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**Title 6—AGRICULTURAL
CREDIT**

**Chapter III—Farmers Home Adminis-
tration, Department of Agriculture**

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

**PART 331—POLICIES AND
AUTHORITIES**

Average Values of Farms; Puerto Rico

On November 2, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm-management units for 12 of the 25 counties identified below were determined to be as herein set forth. The average values heretofore established for said 12 counties, which appear in the tabulations of average values under 6 CFR 331.17 are superseded by the average values set forth below for said counties. The average values for Orocovis and Yabucoa counties, appearing in 6 CFR 331.17, are deleted.

PUERTO RICO

County	Average value	County	Average value
Adjuntas	\$25,000	Jayuya	\$22,000
Aguadilla	25,000	Juana Diaz	40,000
Arroyo	22,000	Juncos	40,000
Barranquitas	30,000	Lares	35,000
Bayamon	35,000	Manati	30,000
Caguas	40,000	Mayaguez	25,000
Camuy	26,000	Ponce	20,000
Carolina	40,000	Rio Grande	40,000
Cayey	24,000	San German	25,000
Ciales	20,000	San Sebas- tian	20,000
Comerio	30,000	Utua	20,000
Corozal	25,000	Yauco	45,000
Humacao	40,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

Dated: November 18, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-9955; Filed, Nov. 24, 1959;
8:47 a.m.]

**Title 14—AERONAUTICS AND
SPACE**

Chapter III—Federal Aviation Agency

**SUBCHAPTER E—AIR NAVIGATION
REGULATIONS**

[Airspace Docket No. 59-WA-138]

[Amdt. 83]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification

On August 22, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 6859) stating that the Federal Aviation Agency was considering an amendment to § 600.6213 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 213 between Myrtle Beach, S.C., and Rocky Mount, N.C.

As stated in the Notice, VOR Federal airway No. 213 presently extends from Myrtle Beach, S.C., to Tappahannock, Va. The Federal Aviation Agency is modifying the segment between Myrtle Beach, S.C., and Rocky Mount, N.C. The present designation of this segment is via the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials. Upon the commissioning of the Kinston, N.C., VORTAC at latitude 35°22'12" N., longitude 77°33'30" W., on or about March 15, 1960, this segment will be designated via a radial of the Kinston VORTAC to provide more precise navigational guidance. This segment of Victor 213 and its associated control areas is hereby designated from the Myrtle Beach VOR to the Rocky Mount VOR via the point of intersection of the Kinston VORTAC 214° and the Rocky Mount VOR 191° radials. The control areas associated with this segment of Victor 213 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

No adverse comments were received regarding the proposed amendment.

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Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6213, (24 F.R. 3871) is amended as follows:

In the text of § 600.6213 VOR *Federal airway No. 213 (Myrtle Beach, S.C., to Tappahannock, Va.)* delete "From the Myrtle Beach, S.C., VOR via the INT of the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials;" and substitute therefor "From the Myrtle Beach, S.C., VOR via the point of INT of the Kinston, N.C., VORTAC 214° and the Rocky Mount, N.C., VOR 191° radials;"

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-9940; Filed, Nov. 24, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-185]

[Amdt. 121]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 147]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Revocation of Segment of Federal Air- way and Associated Control Areas

On September 16, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7465) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6075 and 601.6075 of the regulations of the Administrator which would revoke a segment of VOR Federal airway No. 75 and its associated control areas.

As stated in the Notice, Victor 75 presently extends from Petersburg, W. Va., to Cleveland, Ohio. The Federal Aviation Agency IFR peak-day survey for each half of calendar year 1958 showed less than nine aircraft movements on the segment of Victor 75 between Petersburg and Morgantown, W. Va. On the basis of this survey, the retention of this segment, and its associated control areas, is unjustified as an assignment of airspace and the revocation thereof is in the public interest. Such action will result in Victor 75 and its associated control areas extending from Morgantown to Cleveland.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6075 and 601.6075 (14 CFR 1958 Supp., 600.6075, 601.6075) are amended to read:

§ 600.6075 VOR Federal airway No. 75 (Morgantown, W. Va., to Cleveland, Ohio).

From the Morgantown, W. Va., VOR via the Wheeling, W. Va., VOR; Navarre, Ohio, VOR; to the Cleveland, Ohio, VOR.

§ 601.6075 VOR Federal airway No. 75 control areas (Morgantown, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 75.

These amendments shall become effective 0001 e.s.t., January 14, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-9941; Filed, Nov. 24, 1959;
8:45 a.m.]

[Airspace Docket No. 59-NY-5]

[Amdt. 148]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Zone

On September 16, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7466) stating that the Federal Aviation Agency was considering an amendment to § 601.2104 of the regulations of the Administrator which would modify the Huntington, W. Va., control zone.

As stated in the Notice, the present Huntington control zone consists of that airspace within a five-mile radius of the Huntington Airport, Chesapeake, Ohio, and the Tri-State Airport, Huntington, W. Va., with extensions to the north and the west. To provide adequate protection for aircraft using the new ILS approach to the Tri-State Airport, the Federal Aviation Agency is adding a control zone extension to the northwest along the ILS localizer northwest course. Additionally, the ADF approach to the Tri-State Airport from the north is being cancelled which will permit the revocation of the control zone extension to the north. Such action will result in the Huntington control zone being designated within a five-mile radius of the Huntington Airport, within a five-mile radius of the Tri-State Airport, within two miles either side of a line bearing 253° extending from the Huntington radio beacon to a point ten miles west, and within two miles either side of the ILS localizer northwest course extending from the localizer to the ILS outer marker.

No adverse comments were received regarding this amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.2104 (14 CFR 1958 Supp., 601.2104) is amended to read:

§ 601.2104 Huntington, W. Va., control zone.

Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles

either side of a line bearing 253° extending from the Huntington RBN to a point 10 miles west; and within 2 miles either side of the Tri-State Airport ILS localizer northwest course extending from the localizer to the ILS outer marker.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F. R. Doc. 59-9942; Filed, Nov. 24, 1959;
8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CUR- RENCIES

Subpart A—Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies

Correction

In F.R. Doc. 59-9178, appearing at page 8825 of the issue for Friday, October 30, 1959, the following corrections are made:

1. The heading of the first codified section of the document, now reading "§ 11.10 Definition of terms.", should read "§ 11.1 Definition of terms."

2. In § 11.7(b) (4), the word "content" should read "contingent."

3. In § 11.9(b) (6), the phrase "paragraph (d) (2) of this section" should read "§ 11.12(d) (2)".

Chapter VII—Commodity Stabiliza- tion Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TO- BACCO

Announcement and Apportionment of National Marketing Quota for Flue- Cured Tobacco for 1960-61 Market- ing Year

§ 725.1101 Basis and purpose.

(a) Sections 725.1101 and 725.1102 are issued (1) to establish the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1959; (2) to announce the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1960; and (3) to apportion such national marketing quota among the several States. The findings and determinations by the Sec-

retary contained in § 725.1102 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (24 F.R. 8237) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since flue-cured tobacco producers will soon be making their plans for production of flue-cured tobacco in 1960, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1960-61 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.1102 Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1960.

(a) *Reserve supply level.*¹ The reserve supply level for flue-cured tobacco is 2,991.4 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 760.0 million pounds and a normal year's exports of 460.0 million pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1959, is 3,290.5 million pounds, consisting of carry-over of 2,210.4 million pounds and estimated 1959 production of 1,080.1 million pounds.

(c) *Carry-over.* The estimated carry-over of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1960, is 2,092.6 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1959, of 1,197.9 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1960, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 898.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 898.8 million pounds would result in undue restriction of marketing during the 1960-61 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1960, is 1,078.6 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as

amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment
Alabama	503.1
Florida	15,184.6
Georgia	72,443.6
North Carolina	470,847.9
South Carolina	82,823.9
Virginia	71,518.7
Reserve ¹	1,788.1

¹ Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, 46, 47, as amended; 7 U.S.C. 1301, 1312, 1313)

Issued at Washington, D.C. this 23d day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-1003; Filed, Nov. 23, 1959; 1:50 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 170, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.470 (Navel Orange Regulation 170, 24 F.R. 9258) are hereby amended to read as follows:

(i). District 1: 650,000 cartons.
(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 20, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-9980; Filed, Nov. 24, 1959; 8:50 a.m.]

[Milk Order 105]

PART 1005—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Order Amending Order

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of

¹ Rounded to the nearest tenth of a million pounds.

such agency will require the payment by each handler, as his pro rata share of such expense 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1005.46, and (iii) Class I milk disposed of in the marketing area (except to pool plants) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1959.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued September 29, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued October 27, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c) Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tend to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Amend § 1005.6 to read as follows:

§ 1005.6 North Central Iowa marketing area.

"North Central Iowa marketing area" (hereinafter called the "marketing area") means all the territory within the boundaries of the city of Osage and the counties of Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Humboldt, Marshall, Tama, Webster, and Wright,

all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other establishments.

2. Amend § 1005.12 to read as follows:
§ 1005.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) A cooperative association with respect to Grade A milk received from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant by the operator of the pool plant to which it is delivered by the tank truck.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 20th day of November 1959, to be effective on and after the 1st day of December 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-9957; Filed, Nov. 24, 1959; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3, as amended, of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121), § 77.3a (24 F.R. 8544) of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all States and Territories of the United States other than the State of Hawaii.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, 41 Stat. 699; 21 U.S.C. 111-113, 116, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 19 F.R. 74, as amended; 9 CFR 77.3, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment removes all of the State of Hawaii from the areas designated as modified accredited areas because it does not meet the qualifications of such an area as set out in § 77.3.

This amendment imposes certain restrictions necessary to prevent the spread of tuberculosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of November 1959.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 59-9918; Filed, Nov. 24, 1959; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-177; Order 217]

PROCEEDINGS AND RECORDS

Miscellaneous Amendments

NOVEMBER 20, 1959.

By letter dated June 11, 1959, the Federal Power Bar Association submitted to the Commission for its consideration a series of proposed amendments to its rules and regulations designed to expedite hearings and shorten the records thereof. Although no public notice is required by the Administrative Procedure Act prior to the adoption of amendments of this type, the Commission was desirous of obtaining the views of the practitioners and members of the industries primarily affected thereby, and initiated a formal proceeding by issuing a notice of proposed rulemaking which was published in the FEDERAL REGISTER on August 15, 1959 (24 F.R. 6653). Copies were mailed to interested persons including State regulatory commissions. Submittals received in response to the notice expressed general agreement with the amendments proposed and several suggested specific changes, mostly of a clarifying nature. These changes, to a large degree, have been adopted in the amendments herein-after ordered. In particular, one submittal suggested a change in the proposed amendment to § 154.94(e) which require the producer to submit information and data in connection with rate changes. The suggestion, which we are adopting, will relieve the producer of filing a portion of the information required in many cases where the information is not necessary to the Commission's consideration of a proposed rate change.

Since strenuous objection was made to the proposed amendment to § 1.20(h), redesignated § 1.26(c), relating to prepared testimony, consideration thereof will be postponed and no action thereon will be taken at this time.

The ultimate objective of the amendments herein adopted is, as stated above, to expedite the Commission's hearing proceedings. That objective is intended to be accomplished by a more extensive use of conference procedures both prior to and during hearings, and the paragraphs which follow give some expression of the Commission's views with respect to the use of such procedures.

The administrative process was instituted as a practical solution to a very practical problem, namely, the prompt and expeditious disposition of a great volume of proceedings, usually technical and complex, which the courts were not equipped to handle.

Today, the administrative process is under considerable criticism because of the alleged failure of administrative agencies to fulfill this promise of prompt and expeditious disposition of proceedings. The administrative process has been slowed in many cases to the point where its usefulness is seriously impaired and is, in fact, being questioned. It is essential, then, that every effort, consistent with the public interest and the rights of all of the parties to the Commission's proceedings, be made to reduce the retarding influences. The use of the conference procedures prior to and during hearings, the Commission believes, offers opportunity for significant success in those efforts.

Although it will be found to have some value in almost every case, the conference procedure is principally intended for use, and will be found most useful, in the more complicated and important proceedings. Its ultimate purpose is to shorten the period between the date on which a hearing is initiated and that on which the final order of the Commission is issued disposing of the matter. This purpose will be achieved by shortening the period devoted to the public hearing, shortening the record which must be studied and reviewed by the Hearing Examiner and the Commission, and simplifying that record so that a lesser period of time will be needed for such study and review.

The objective will be obtained by (1) discussion in advance of the hearing of the most expeditious manner and order of presentation, (2) the segregation of the features of the case concerning which there is to be controversy from those on which there will not, and the legal from the factual matters in dispute, (3) stipulation as to undisputed legal and factual matters so as to avoid the necessity for detailed proof with respect to them, and (4) exploration of the legal and factual matters upon which there is controversy, (a) to determine the extent of the differences and the possibility of agreement with respect to at least portions of them, and (b) to identify and agree upon limited treatment of those matters which, although in dispute, do not have an important bearing upon the issues upon which the case will ultimately turn.

If the conference procedure has been successfully employed, the detailed evidence needed can be presented most expeditiously and will be more closely confined to the legal and factual matters in controversy and limited to points within larger issues. Under present procedures, at the opening of a hearing the issues are rarely defined.

One who views a hearing as a contest of legal skill and ingenuity, and has not yet, in Commission proceedings, been disillusioned will perhaps accept the conference technique with some reluctance.

The conference procedure will be found effective only by those who earnestly desire a reduction in the days devoted to hearing, the pages of transcript and the number and bulk of the exhibits and the time required for decisions. Rules alone cannot assure success.

In addition to an ardent and active interest in accomplishing these objectives one must enter upon a conference prior to or during hearings, (1) in a spirit of fairness and candor, (2) with an adequate knowledge of the case, and (3) with the authority to bind, to the extent that such is necessary, the parties whom he represents.

Under the amendments adopted today, it is contemplated that the initial notice or order initiating a hearing will specify the deadline for the filing of petitions to intervene, which would be a reasonably prompt date, but would not fix the date of hearing itself, except in cases to be handled under a shortened procedure or in other cases deemed appropriate by the Commission. The presiding officer would be designated in the notice or order initiating the hearing.

Under his designation, the presiding officer will review and, as far as possible, familiarize himself with the filings made by the parties in the proceeding. Following action on the petitions to intervene, the presiding officer will carefully weigh the chances of conserving time, expense and the hearing record by means of a conference prior to hearing. If, after such consideration, he should conclude that such a step will prove fruitful and some such saving could be accomplished, he will direct that such a conference be held for the purposes set out in § 1.18 of the Commission's rules; and having regard for the convenience and necessity of the staff of the Commission and the parties, to fix a time and place for the convening thereof, giving, unless otherwise agreed upon by the parties and participants, at least fifteen days notice thereof. Attendance should be mandatory. The attorney who is to try the case or one who has equal knowledge of it and equal authority to act should be present for each participant.

Since the success of such a conference is founded upon the desire of the participants to conserve time and effort and a willingness on their part to discuss frankly and understandingly the problems involved, the conference should be held in a climate most conducive to admissions and concessions.

This immediately raises the question whether such conference should be open to the public and the press or confined

to the presiding officer, the lawyers and their consultants. The course should be followed which is most acceptable to the participants and which assures the greatest prospect of success of the conference.

Ordinarily, the conference discussion will not be recorded by a reporter. Full and free exchange should be encouraged and concessions invited. It should be made very clear that concessions proposed, but which are not productive, may not thereafter be used to the prejudice of the offerer.

In any instance in which the presiding officer or one or more of the parties feels that compromise might prove successful by the temporary withdrawal of the presiding officer, the presiding officer may, upon his own initiative or will, upon request, withdraw from the conference.

As has been indicated, the conference cannot be expected to be successful unless all of the participants are prepared and each knows the definite objective he wishes to achieve. The attorneys should be prepared to declare their views as to what the exact issues of law and fact are that have to be litigated and state definite positions as to each. They should come prepared to make such admissions of fact as they consider appropriate and what they wish and expect their opponents to concede.

The presiding officer may begin the conference by stating his understanding of the case. Counsel for the party having the duty to go forward first at the hearing may then be called upon to make a careful and concrete statement of the factual elements of his case and his legal contentions. By questions from the conferees and the presiding officer, counsel may be asked to elaborate in more detail on certain aspects of his proposed presentation or to clarify certain features. Counsel for other parties and the staff will then be called upon to state their respective positions in order that the area or areas of disagreement may be discovered and defined.

Instances will occur in which counsel is prepared to make neither admission, nor denial, or to furnish the other parties with desired data. If such data are narrow in scope, arrangements should be made to make it available prior to the convening of the hearing. If it is more extensive and the position of the other parties may be dependent upon it to a substantial extent, arrangements should be made to provide the data and the conference may be recessed until the required data can be supplied. It should be understood that the number of such conferences is not limited but they may be employed so long as there is the possibility that the basic purpose can be furthered.

It may develop that one of the parties proposes to present a line of evidence to which one or more of the others will have objection and the ruling upon which will be appealed. The discussion may disclose the advisability of a procedure which would enable the parties to get a ruling from the Commission without the necessity of assembling and producing in its entirety immediately the factual proof contemplated.

There should be no attempt by the presiding officer, or anyone else to compel agreements on controverted matters.

At the end of the conference, the objective would be the issuance of a ruling by the presiding officer which would recite the action taken at the conference and the agreements reached by the parties, if any, as to any of the matters considered. Such an order would limit the issues for hearing to those not disposed of by admissions or agreements, and it would control the subsequent course of the proceedings unless modified for good cause by a subsequent order. (See President's Conference on Administrative Procedure, Recommendation 9, page 37.)

Various techniques can be used to accomplish the drafting of such an order. One method, which is used successfully by some courts in their prehearing conference procedure, involves calling in a stenographer, whenever a given problem has been fully discussed and agreement reached, for the purpose of recording the agreement. The presiding officer, with the aid of such contributions or suggestions as the parties might offer, would dictate the specific provision to be included in the order disposing of that particular matter. By that procedure, shortly after the conclusion of the conference, the complete order could be transcribed and then submitted to the parties for their comments. Parties to the conference should be afforded the opportunity to record their objections on the record at the hearing to the ruling as finally adopted by the presiding officer.

In the course of the conference, there will be discussed the number and the names of witnesses to be called to support issues not stipulated upon or only partially stipulated upon, the nature of such evidence, the manner in which the party who will call them wishes to adduce it, and such other arrangements as are necessary to assure a full and fair hearing on the disputed issues in the shortest possible time.

At the conclusion of the conference, after obtaining the views of the parties, the presiding officer, subject to the approval of the Chief Hearing Examiner, would determine the date upon which the public hearing should be scheduled to commence and would thereupon issue a notice of hearing fixing the time and place thereof.

The Commission expects that the use of the conference procedure will result in shorter hearings and records. Accordingly, its policy will be to use that procedure in every possible instance. In addition to the matters outlined above, the Commission hereby expresses its policy to encourage the use of the technique of advance distribution of proposed exhibits and of prepared written testimony required to explain such exhibits, reasonably in advance of the hearing session at which they are to be offered—wherever it appears that this would make a substantial contribution to expediting the proceeding, and would not impose an undue burden upon the party involved. This was one of the important recommendations of the President's Conference on Administrative Procedure, submitted to the President in

March 1955. (See Recommendation E. 10, page 38 of Report, and Comment on pages 74-76 of Report.) The Commission feels that the wider use of this technique would make a substantial contribution toward reducing the time presently devoted to clarifying questions in open hearings, reducing the length of recesses required to prepare for cross-examination, and making it possible for the parties to come to the hearing more fully prepared, with the result that interrogation of witnesses could more successfully be limited to material points. The Commission recognizes, however, that advance distribution of such material can accomplish little unless the parties will devote the time to make a full study of such material prior to the hearing. The Commission will therefore expect that, where this technique is used, the parties will make the time to take full advantage of such material.

The Commission has considered the proposed amendments as published on August 15, 1959, and the comments thereon, in the light of its experience under the existing rules and regulations. It gave particular consideration to the alternative proposals to amend § 1.18(d) and concludes that the additional authority granted the presiding examiner by the second proposal (p. 4A of attachment to notice) will be more conducive to the basic purposes of the amendments.

In view of the foregoing, the Commission finds:

(1) The amendments herein adopted are necessary and appropriate to carry out the provisions of the Federal Power and Natural Gas Acts.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 308 and 309 thereof (16 U.S.C. 825g, 825h), and the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof (16 U.S.C. 717c, 717d, 717f, 717n, and 717o), orders:

(A) Part 1, Rules of Practice and Procedure, of Subchapter A, General Rules, Chap. I of Title 18, Code of Federal Regulations, is amended to prescribe therein the new or amended sections set out below.

(B) Part 154, Rate Schedules and Tariffs, and Part 157, Applications for Certificates of Public Convenience and Necessity, of Subchapter E, Regulations Under the Natural Gas Act, Chap. I of Title 18, Code of Federal Regulations, are amended to prescribe therein the new or amended sections set out below.

(C) Part 250, Forms, of Subchapter G, Approved Forms, Natural Gas Act, Chap. I of Title 18, Code of Federal Regulations, is amended by adding a new § 250.5 as set out below.

(D) Consideration of the proposed amendment to § 1.20(h), redesignated § 1.26(c) (2) (iii), as set out in the notice of proposed rulemaking, is postponed.

(E) The amendments herein prescribed shall become effective January 1, 1960.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

§ 1.8 [Amendment]

Section 1.8 *Intervention*, is amended by amending paragraph (d) to read:

(d) *Filing and service of petitions.* Petitions to intervene and notices of intervention may be filed at any time following the filing of a notice of rate or tariff change, or of an application, petition, complaint, or other document seeking Commission action, but in no event later than the date fixed for the filing of petitions to intervene in any order or notice with respect to the proceedings issued by the Commission or its Secretary, unless, in extraordinary circumstances for good cause shown, the Commission authorizes a late filing. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or officer designated to preside may, where the circumstances warrant, permit the waiver of the requirements of § 1.26(c) (5) with respect to copies of exhibits for such intervenor.

§ 1.12 [Amendment]

Section 1.12 *Motions*, is amended by adding a new paragraph (e) as follows:

(e) *Commission action.* With respect to any motion filed with the Commission after a hearing has commenced, or made to a presiding examiner after a hearing has commenced and referred to the Commission, unless the Commission acts within 30 days after such filing or referral, whichever is later, the motion shall be deemed to have been denied. The presiding examiner shall notify the parties to the proceeding of the date on which a motion is referred to the Commission either by an announcement on the record where the hearing is in session or by written notice if the hearing is in recess.

§ 1.14 [Amendment]

Section 1.14 *Filings, docket, hearing calendar*, is amended by amending subparagraph (2) of paragraph (c), *Hearing calendar*, to read:

(2) In the absence of cause requiring otherwise, and as time, the nature of the proceedings, and the proper execution of the Commission's functions permit, matters required to be determined upon the record after hearing or opportunity for hearing will be placed upon the hearing calendar. Proceedings pending upon this calendar will in their order of assignment, so far as practicable, be heard at the times and places fixed by the Commission, its Secretary, or the officer designated to preside, giving due regard to the convenience and necessity of the parties or their attorneys; however, in its discretion with or without motion, the Commission or its Secretary, for cause may at any time with due notice to the parties advance or postpone any proceeding on the hearing calendar.

§ 1.18 [Amendment]

Section 1.18 *Prehearing conferences; offers of settlement*, is amended as follows:

1. Delete the word "Prehearing" from the caption.

2. Amend paragraph (a), the introductory paragraph of (b), and paragraph (c) and (d) and add a new paragraph (f) to read:

(a) *To adjust or settle proceedings.* In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the parties to the proceeding and staff for such purposes may be held at any time prior to or during such hearings before the Commission or the officer designated to preside thereat as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* At such prehearing or other conferences as may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

(c) *Initiation of conferences.* The Commission or officer designated to preside, with or without motion, and after consideration of the probability of beneficial results to be derived therefrom, may direct that a conference be held, and direct the parties to the proceeding, their attorneys, the Commission's staff and staff counsel to appear thereat to consider any or all of the matters enumerated in § 1.18(b). Due notice of the time and place of such conference will be given to all parties to the proceeding, their attorneys, the Commission's staff and staff counsel. Failure of a party to attend such conference, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to the agreements reached, if any, and any order or ruling with respect thereto.

(d) *Specification of conference results.* Following such conference or a reconvened session thereof, the Commission or officer designated to preside shall make an order or ruling, as may be appropriate, which recites the agreements reached, if any, with respect thereto, including agreements which limit the issues for hearing to those not disposed of by admissions or agreements. Such order or ruling shall control the subsequent course of the hearing unless modified for good cause shown. The order may also, irrespective of consent by the parties, dispose of any procedural matters which the presiding examiner is authorized to rule upon during the course of the proceeding, and which it appears may be appropriately and usefully disposed of in such order. In addition, where it appears that a substantial contribution would be made to expedition

of the proceeding through the technique of advance distribution of proposed exhibits and written prepared testimony reasonably in advance of the hearing session, the order may also, subject to the discretion of the presiding examiner and with due regard for the convenience and necessity of the parties or their attorneys, the Commission's staff or staff counsel, include a direction for such advance distribution by a date fixed by the presiding examiner. Prior to the issuance of the order or ruling, however, it shall be submitted to the conference participants for comment. An appeal may be taken to the Commission immediately from any ruling included in the presiding examiner's order over the objection of any party. The order or ruling shall be spread upon the record at the session of the hearing next following the issuance of the order or ruling, and shall be binding on the parties and staff counsel.

(f) *Refusal to make admissions or stipulate.* If a party attending a conference convened pursuant to this section refuses to admit or stipulate the genuineness of any documents or the truth of any matters of fact and if the party requesting the admissions or stipulations thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the officer designated to preside for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. Unless the officer designated to preside finds that there were good reasons for the refusal to admit or stipulate or that the admissions or stipulations sought were of no substantial importance, the order shall be made. An appeal may be taken to the Commission immediately from any such order. If a party refuses to comply with such order after it becomes final, the Commission may strike all or any part of such party's pleadings or limit or deny further participation by such party.

Section 1.19, *Notice*, is amended to read:

§ 1.19 *Notice.*

(a) *Rulemaking proceedings.* Before the adoption of any rule of general applicability, or the commencement of any hearing on any such proposed rulemaking, the Commission will cause general notice to be given by publication in the FEDERAL REGISTER, such notice to be published therein not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rule making, except where a shorter period is reasonable and good cause exists therefor: *Provided, however, That*

(1) Where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor;

(2) Except where notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(3) This section is not to be construed as applicable to the extent that there may be involved any military, naval or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

(b) *Other proceeding.* In proceedings other than those referred to in paragraph (a) of this section all notices and orders initiating hearings described in § 1.20(a) shall be published in the FEDERAL REGISTER. In the case of a notice or order initiating a hearing without specifying the time and place thereof such notice or order shall be published in the FEDERAL REGISTER not less than fifteen (15) days prior to the date fixed therein for the filing of protests, petitions to intervene and notices of intervention. In the case of a notice or order fixing the time and place for the initial convening of a hearing, the notice or order shall be published in the FEDERAL REGISTER not less than fifteen (15) days prior to the date fixed in said notice or order for the convening of the hearing, unless the Commission finds that a shorter period of notice is reasonable and consistent with the public interest. In addition to such publication in the FEDERAL REGISTER, copies of the notice or order will be mailed to the parties and their attorneys of record and to States or other governmental authorities which have asked to be notified. Similar notice shall be served of the time when and place where a hearing will be reconvened unless announcement was made thereof by the presiding officer at the adjournment of the earlier session of the hearing. In fixing the time and place of hearing, due regard will be given to the convenience and necessity of the parties or their attorneys so far as time and the proper execution of the Commission's functions permit.

§ 1.20 [Amendment]

Section 1.20 *Hearings*, is amended as follows:

1. Amend paragraph (a) to read:

(a) *How initiated.* Hearings for the purpose of taking evidence shall be initiated by the Commission by issuance of an order or by notice of the Secretary announcing the initiation of a hearing.

2. Add a new paragraph (m) to read:¹

(m) *Contents of orders and notices initiating hearings—*(1) *Rule making proceedings.* The order or notice shall state the time and place of hearing, and nature of the proceeding, recite the authority under which the rule is pro-

¹ The notice of proposed rulemaking herein designated this provision as a new paragraph (b) to follow paragraph (a) but codification problems require its inclusion at this point thus making unnecessary the redesignation of subsequent paragraphs in the section.

posed to be adopted and promulgated, and include either the terms or substance of the proposed rule or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, so as to permit any interested person to submit views, data, or proposals relative thereto; and such notice will set forth a time period within which interested persons may submit written data, views, or arguments concerning the proposed rule, or request oral argument thereon.

(2) *Other proceedings.* The order or notice initiating a hearing shall set forth the authority and jurisdiction under which the hearing is to be held, shall state the nature of the proceeding and shall name the officer designated to preside at the hearing, except as herein-after provided. Such order or notice shall also specify the final date for the filing of protests to the authorization sought and for the filing of petitions and notices to intervene except in cases where such date has been fixed by a former notice. The order or notice initiating the hearing shall not specify the date of hearing unless the Commission deems it appropriate that it do so: *Provided, however,* That where the notice or order provides that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) or § 1.32 (a) or (b), as may be appropriate, the notice or order shall also fix a date for hearing as soon after the expiration of the time for filing protests, petitions to intervene and notices of intervention as may be practicable. In such instance, the notice or order need not designate the presiding examiner but shall state that if a protest, petition to intervene in opposition, or notice of intervention in opposition is filed, the hearing date will be vacated and a new date for hearing will be fixed.

3. Subparagraph (1) of paragraph (g) is amended to read:

(g) *Presentation by the parties.* (1) Parties and staff counsel shall have the right of presentation of evidence, cross-examination, objection, motion, argument and appeal. The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

4. Paragraph (h) is hereby transferred to § 1.26 and redesignated as § 1.26(c) (2) (iii). Paragraph (h) is hereby vacated.²

5. Amend subparagraph (j), *Additional evidence*, by deleting the words "or after the close of testimony," in the first sentence.

§ 1.22 [Amendment]

Section 1.22 *Witnesses*, is amended by amending paragraph (a) to read:

(a) *Oral examination.* Witnesses shall be examined orally unless the testimony is taken by deposition as provided in § 1.24, or the facts are stipulated in

the manner provided in §§ 1.18 and 1.25, or the testimony is submitted in prepared written form as provided in § 1.26 (c) (2) (iii). Witnesses whose testimony is to be taken shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them.

§ 1.25 [Amendment]

Section 1.25 *Stipulations*, is amended by amending paragraph (a) to read:

(a) *Presentation and effect.* Independently of the orders or rulings issued as provided by § 1.18, the parties and staff counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing, and when so received shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

§ 1.26 [Amendment]

Section 1.26 *Evidence*, is amended by inserting present paragraph (h) of § 1.20 in paragraph (c) (2) redesignated as § 1.26(c) (2) (iii).²

§ 1.27 [Amendment]

Section 1.27 *Presiding officers*, is amended by amending subparagraph (1) of paragraph (b), *Authority delegated*, to read:

(1) To regulate the course of hearings, including the scheduling thereof, subject to the approval of the Chief Hearing Examiner, and the recessing, reconvening, and adjournment thereof, unless otherwise provided by the Commission;

§ 1.28 [Amendment]

Section 1.28 *Appeals to Commission from rulings of presiding officers*, is amended by adding a new paragraph (c) to read:

(c) *Commission action.* Unless the Commission acts upon questions referred by presiding officers to the Commission for determination or upon appeals taken to the Commission from rulings of presiding officers within thirty days after referral or filing of the appeal, whichever is later, such referrals or appeals shall be deemed to have been denied. The parties to the proceeding shall be given appropriate notice of the date of the referral or appeal, by the presiding examiner or the appellant as the case may be.

§ 1.33 [Amendment]

Section 1.33 *Reopening proceedings*, paragraphs (a), (b), and (c) are amended to read:

(a) *By parties*—(1) *Petition to reopen.* At any time after the conclusion of a hearing in a proceeding or adjournment thereof sine die, but before issuance by the presiding officer of an initial decision, any party to the proceeding or staff counsel may file with the presiding officer a petition to reopen the proceeding for the purpose of taking additional evidence. Copies of such petition shall be served upon all participants, or their attorneys of record, and shall set forth clearly the facts claimed to constitute

grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing, and shall in all other respects conform to the applicable requirements of §§ 1.7 and 1.15 to 1.17, inclusive.

(2) *Responses.* Within 10 days following the service of such petition, any other party to the proceeding or staff counsel may file with the presiding officer his answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

(3) *Action by presiding officer.* As soon as practicable after the filing of responses to such petitions or default thereof, as the case may be, the presiding officer will grant or deny such petition.

(b) *By presiding officer on his own initiative.* At any time prior to the filing of his initial decision, after notice to the parties and opportunity to be heard, a presiding officer may reopen the proceeding for the reception of further evidence on his own motion, if he has reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding.

(c) *By Commission action.* The above provisions of this section shall apply equally to petitions for and the issuance by the Commission of an order reopening the proceeding, where an initial decision has been issued by the presiding officer but no Commission decision has yet been issued, or where the initial decision by a presiding officer has been omitted and no Commission decision has yet been issued.

PART 154—RATE SCHEDULES AND TARIFFS

§ 154.94 [Amendment]

Section 154.94 *Changes in rate schedules*, is amended by amending paragraph (e) to read:

(e) (1) With each change in rate schedule there shall be submitted reasons, nature, and basis for the proposed change, and the information required under subdivisions (i) through (iv) of this subparagraph:

(i) The designation of the FPC Gas Rate Schedule (by name of seller and rate schedule number), the names of the parties on whose behalf the change in rate schedule is made, and the date on which the change is proposed to be made effective;

(ii) The name of the purchaser;

(iii) Description of the contract provision authorizing the change;

(iv) The geographical location (field or area, county, and State) where delivery is made;

(2) With each change in rate level, in addition to the foregoing, there shall be submitted the following information and data (actual data shall be used wherever possible and estimates shall be so designated and explained):

(i) The present total effective price in cents per Mcf with the base rate and any provisions for tax reimbursement,

² Consideration of the proposed revision of paragraph (h) is postponed by the order herein. It is only transferred and redesignated hereby.

gathering charge, dehydration charge and other components thereof shown separately, and the measurement pressure base (psia);

(ii) Any deductions from the present total effective price in cents per Mcf by the purchaser for amortization, dehydration, gathering, treating, etc. Note if subject to Btu adjustment;

(iii) The proposed total price in cents per Mcf with the base rate and any provisions for tax reimbursement, gathering charge, dehydration charge and other components thereof shown separately, and the measurement pressure base (psia);

(iv) Any deductions from proposed total price in cents per Mcf by the purchaser for amortization, dehydration, gathering, treating, etc. Note if subject to Btu adjustment;

(v) A comparative statement of the total sales made and total revenues therefrom under the effective rate schedule and under the proposed changed rate schedule, or rate, charge, classification or service contained in the filing, for the 12 months immediately preceding and the 12 months immediately succeeding the proposed effective date of the rate schedule tendered for filing, and the difference in the total sales and total revenues for each of the 12-month periods.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

§ 157.6 [Amendment]

Section 157.6 *Applications; number of copies; general requirements*, is amended by adding a new subparagraph (7) to paragraph (b), *General content of application*, as follows:

(7) A form of notice suitable for publication in the FEDERAL REGISTER, as contemplated by § 157.9, which will briefly summarize the facts contained in the application in such way as to acquaint the public with its scope and purpose."

§ 157.24 [Amendment]

Section 157.24 *Contents of applications*, is amended by adding a new subparagraph (5) to paragraph (a) to read:

(5) A summary, on the form indicated in § 250.5 of each contract for sale or transportation of gas for which a certificate is requested.

PART 250—FORMS

Part 250, *Forms*, is amended by adding a new § 250.5 to read as follows:

§ 250.5 Form of contract summary.

(See § 157.24(a) (5) of this chapter.)

1. Name of Seller: _____
2. Name of Purchaser: _____
3. Location of Sale: _____
(Field or area, county, and state)
4. Date of Contract: _____
5. Initial Price per Mcf (including tax reimbursement): _____
6. Measurement Pressure Base (psia): _____

7. Types of Escalation Provisions: _____
8. Hydrocarbon Liquids Included (yes or no): _____
9. Other Price Adjustments: _____
10. Estimated Initial Volumes (Mcf per day): _____
11. Delivery Pressure (psig): _____
12. Delivery Point: _____
(Wellhead, plant, etc.)

[F.R. Doc. 59-9948; Filed, Nov. 24, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2020]

ALASKA

Withdrawing Lands for the Department of the Army as Alaska National Guard Sites; Partially Revoking the Executive Order of May 4, 1907

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Department of the Army for use of the Alaska National Guard:

[Fairbanks 022950]

AKIACHAK

A tract of land at approximate Latitude 60°54' N., Longitude 161°28' W., described as follows:

Beginning at the most westerly southeast corner of school building within BIA school reserve; thence S. 55° E., 175 feet, approximately, to the east boundary of said school reserve; thence following said boundary line N. 35° E. 100 feet to the point of beginning, thence

N. 35° E., 200 feet, along said boundary line;
S. 55° E., 140 feet;
S. 35° W., 200 feet;
N. 55° W., 140 feet, to the point of beginning.

Containing 0.64 acre.

[Fairbanks 022931]

ALAKANUK

A tract of land at approximate Latitude 62°41' N., Longitude 164°38' W., described as follows:

Beginning at the Southwest corner of John T. Emel Trade & Manufacturing Site; thence N. 18° W. 130 feet; thence S. 74° W. 580 feet to the point of beginning; thence

S. 15° W., 80 feet;
N. 75° W., 150 feet;
N. 15° E., 90 feet, to the south bank of a slough;
S. 79° E., 150 feet, approximately, following said bank to a point lying N. 15° E. of the point of beginning;
S. 15° W., 20 feet, the point of beginning.

Containing 0.34 acre.

[Fairbanks 022952]

EKK

A tract of land at approximate Latitude 60°13' N., Longitude 162°02' W., described as follows:

Beginning at the southwest corner, being corner No. 2, of School Reserve, U.S. Survey No. 2021; thence S. 20°19' W. 44 feet; thence N. 67° W. 670 feet to the point of beginning; thence

S. 20° W., 250 feet;
N. 70° W., 200 feet;
N. 20° E., 250 feet;

S. 70° E., 200 feet to the point of beginning. Containing 1.15 acres.

[Fairbanks 022953]

KASIGLUK

A tract of land at approximate Latitude 60°55' N., Longitude 162°35' W., described as follows:

Beginning at the south corner of School Withdrawal, Serial No. 62787, Fairbanks Land Office; thence

S. 50° E., 7 feet;
S. 40° W., 100 feet;
N. 50° W., 200 feet;

N. 40° E., 100 feet to boundary of said school withdrawal;
S. 50° E., 193 feet along said boundary to the point of beginning.

Containing 0.46 acre.

[Fairbanks 022954]

KIANA

A tract of land, east of Ketzebue, on North side of Kobuk River, at approximate Latitude 67°00' N., Longitude 160°30' W., described as follows:

Beginning at a point on the south boundary line of Kiana Airport, Serial No. Fairbanks 013068, which point is 200 feet easterly of the center line of access road to airport; thence

Easterly, 300 feet along said boundary line;
Southerly, 200 feet at right angle;
Westerly, 300 feet parallel to airport boundary;
Northerly, 200 feet to the point of beginning.

Containing 1.38 acres.

[Fairbanks 022955]

KIPNUK

A tract of land at approximate Latitude 59°56' N., Longitude 164°02' W., described as follows:

Beginning at a point marked by an iron pipe set on the east bank of the Kuguklik River, which point marks the west boundary of BIA School Withdrawal, Serial Fairbanks 62942, unsurveyed; thence south along said boundary line 340 feet; thence

West, 300 feet;
North, 200 feet to the east bank of said river;
N. 65° E., 335 feet, following said bank to the point of beginning.

Containing 1.86 acres.

[Fairbanks 022956]

KIVALINA

A tract of land at approximate Latitude 67°43' N., Longitude 164°33' W., described as follows:

Beginning at the northwest corner (Corner No. 2) of School Reserve, being U.S. Survey No. 2246; thence along an extension of the north line of such survey N. 48°29' W. 280 feet; thence N. 41°31' E., 100 feet to the point of beginning; thence

N. 48°29' W., 120 feet;
N. 41°31' E., 190 feet, to mean high water line of Corwin Lagoon;
S. 48°29' E., 120 feet along said mean high water line;
S. 41°31' W., 190 feet to the point of beginning.

Containing 0.52 acre.

[Fairbanks 022957]

KOTZEBUE

A tract of land lying within the boundaries of U.S. Survey No. 2407, described as follows: Beginning at the east corner of U.S. Survey 2407, being Corner No. 1 thereof; thence S. 44°05' W., 110 feet along the 1-2 line of said survey; N. 45°55' W., 140 feet; N. 44°05' E., 110 feet to the 1-6 line of U.S. Survey 2407; S. 45°55' E., 140 feet following said 1-6 line to the point of beginning. Containing 0.35 acre.

[Fairbanks 022958]

KORYUK

A tract of land near the north shore of Norton Bay, described as follows: Beginning at Corner No. 3 of U.S. Survey No. 2035; thence S. 46°51' W., 160 feet along an extension of the 2-3 line of said survey; N. 43°09' W., 140 feet; N. 46°51' E., 160 feet to a point on the 3-4 line of said U.S. Survey; S. 43°09' E., 140 feet along said 3-4 line to the point of beginning. Containing 0.51 acre.

[Fairbanks 022959]

KWETHLUK

A tract of land at approximate Latitude 60°49' N., Longitude 161°26' W., described as follows: Beginning at the southeast corner (Corner No. 3) of U.S. Survey No. 2043; thence east 400 feet; thence south 40 feet to the point of beginning; thence East, 240 feet; South, 200 feet; West, 240 feet; North, 200 feet to the point of beginning. Containing 1.10 acres.

[Fairbanks 022960]

NAPAKIAK

A tract of land south of Bethel on the west side of the Kuskokwim River, at approximate Latitude 60°41' N., Longitude 162°07' W., described as follows: Beginning at the northwest corner of school building located within School Withdrawal (unsurveyed) Serial 63035 Fairbanks Land Office; thence west 108 feet to a point on the west line of said school withdrawal; thence continuing west 400 feet; thence south 275 feet to the point of beginning; thence South, 300 feet; West, 300 feet; North, 300 feet; East, 300 feet to the point of beginning. Containing 2.07 acres.

(Note: The school building above referred to is the one existing in 1958, and not the one proposed for construction during 1959.)

[Fairbanks 022961]

NAPASKIAK

A tract of land, near Kuskokwim River, at approximate Latitude 60°41' N., Longitude 161°54' W., described as follows: Beginning at the most westerly southwest corner of school building located within School Withdrawal (unsurveyed), Serial No. 60312, Fairbanks Land Office; thence west 108 feet to an iron pipe set on the west boundary of said withdrawal; thence southerly along said west line 350 feet to the point of beginning; thence Southerly, 250 feet, continuing along said west line; Westerly, 200 feet at right angle; Northerly, 250 feet at right angle; Easterly, 200 feet to the point of beginning. Containing 1.15 acres.

[Fairbanks 022962]

NEWKTOK

A tract of land on the shore of Bering Sea north of Nelson Island, at approximate Latitude 60°56' N., Longitude 164°37' W., described as follows: Beginning at the northeast corner of school building existing in 1958; thence N. 22° W. 700 feet to the point of beginning; thence S. 68° W., 250 feet; N. 22° W., 220 feet; N. 68° E., 250 feet; S. 22° E., 220 feet to the point of beginning. Containing 1.26 acres.

[Fairbanks 022963]

NOATAK

A tract of land on the Noatak River, north of Kotzebue, at approximate Latitude 67°35' N., Longitude 163°00' W., described as follows: Beginning at Corner No. 1 of U.S. Survey No. 2037, being the northwest corner thereof; thence along an extension of the west line of such survey N. 18°51' E. 29 feet; thence N. 71°09' W. 180 feet; thence N. 14°58' W. 221.49 feet to the point of beginning; thence N. 71°09' W., 220 feet; N. 18°51' E., 200 feet; S. 71°09' E., 220 feet; S. 18°51' W., 200 feet to the point of beginning. Containing 1.01 acres.

[Fairbanks 022964]

ST. MICHAEL

A tract of land on the shore of Norton Sound, at approximate Latitude 63°27' N., Longitude 162°03' W., described as follows: Beginning at the southwest corner of new school building; thence south to north line of the board sidewalk which runs east-west between the gymnasium and the community hall; thence westerly along the north line of sidewalk 526 feet to the point of beginning; thence Westerly, 200 feet along the north line of sidewalk; Northerly, 250 feet at right angle; Easterly, 200 feet at right angle; Southerly, 250 feet at right angle to the point of beginning. Containing 1.15 acres.

[Fairbanks 022965]

SHISHMAREP

A tract of land on the north side of Seward Peninsula, described as follows: Beginning at Corner No. 2 of U.S. Survey 2249 (School Reserve); thence following the east line of said survey at a course N. 13°17' W. 440 feet to the point of beginning; thence N. 13°17' W., 120 feet; N. 76°43' E., 200 feet; S. 13°17' E., 120 feet; S. 76°43' W., 200 feet to the point of beginning. Containing 0.55 acre.

[Fairbanks 022966]

SHUNGNAK

A tract of land in the vicinity of Shungnak Village, on the Kobuk River east of Kotzebue, described as follows: Beginning at Corner No. 9 of School Reserve, U.S. Survey No. 2047; thence S. 23°59' W., 200 feet; N. 66°01' W., 220 feet; N. 23°59' W., 200 feet to the 1-9 line (south boundary) of U.S. Survey 2047; S. 66°01' E., 220 feet to the point of beginning. Containing 1.01 acres.

[Fairbanks 022967]

TULUKSAK

A tract of land at approximate Latitude 61°08' N., Longitude 160°58' W., described as follows: Beginning at a point on the south bank of the Tuluksak River which point is 300 feet easterly from the intersection of said bank with the east line of U.S. Survey 875, Moravian Mission Reserve; thence S. 53° E., 270 feet along said river bank; S. 37° W., 240 feet; N. 53° W., 270 feet; N. 37° E., 240 feet to the point of beginning. Containing 1.49 acres.

[Fairbanks 022968]

TUNUNAK (OR TANUNAK)

A tract of land on Nelson Island, at approximate Latitude 60°35' N., Longitude 165°15' W., described as follows: Beginning at southeast corner of village store; thence S. 35° W. to a point on the south line of School Withdrawal, Serial No. Fairbanks 59975, to the point of beginning; thence S. 55° E., 150 feet; S. 35° W., 200 feet; N. 55° W., 150 feet; N. 35° E., 200 feet to the point of beginning. Containing 0.69 acre.

[Fairbanks 022969]

TUNTUTULIAK

A tract of land at approximate Latitude 60°22' N., Longitude 162°38' W., on west side of Kuskokwim River, described as follows: Beginning at the southeast corner of new school building under construction during 1958; thence S. 70° E. 225 feet, more or less to a point on the west bank of the Kinak River; thence following the river bank southerly 710 feet to the point of beginning; thence S. 18° E., 200 feet along said river bank; S. 72° W., 250 feet; N. 18° W., 200 feet; N. 72° E., 250 feet to point of beginning. Containing 1.15 acres.

The areas described total in the aggregate 19.84 acres.

The Executive order of May 4, 1907 which withdrew lands in Alaska for Indian school purposes is hereby revoked so far as it affects the lands described in this order at Kotzebue (Fairbanks 022957).

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 17, 1959.

[F.R. Doc. 59-9949; Filed, Nov. 24, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION**Chapter I—Federal Communications Commission**

[FCC 59-1164]

PART 3—RADIO BROADCAST SERVICES**Interference Standard**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1959;

The Commission having under consideration the desirability of making cer-

tain changes in § 3.313(c) of its rules; and

It appearing that the last sentence of the rule provides in essence that the Commission in its discretion may assign an FM channel different from that requested in an application; and

It further appearing that the Commission at one time utilized a Table of Assignments of FM channels to particular communities, whereunder it could readily determine the availability of alternative channels in a given case; and

It further appearing that the Commission by Order released August 5, 1958, effective August 20, 1958, in Docket No. 12461 (FCC 58-777), discontinued the use of its Table of Assignments of FM channels; and

It further appearing that in view of the foregoing the Commission no longer considers it desirable to exercise the discretionary power afforded by such rule; and

It further appearing that questions have arisen as to whether the sentence in question is wholly compatible with the intent of certain other rules such as §§ 1.305, 1.310 and 1.356; and

It further appearing that any reason for perpetuation of the rule has ceased to exist; it is therefore consonant with the public interest and orderly rule making processes to delete said sentence; and

It further appearing that the amendment adopted herein reflects a change of procedure and thus prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately; and

It further appearing that authority for the amendment adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 27, 1959, the last sentence of § 3.313(c) which provides: "In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application" is deleted.

Section 3.313(c) will now provide as follows:

§ 3.313 Interference standard.

(c) Stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc: *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9978; Filed, Nov. 24, 1959;
8:50 a.m.]

[FCC 59-1173]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Modulation Filter Requirements

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1959;

The Commission having under consideration the requirement of § 21.120 of Part 21 of its rules, that all radio transmitters in use in the Domestic Public Radio Services after December 31, 1959, must be "type accepted"; and

It appearing that, in order to receive "type acceptance" in the Domestic Public Land Mobile and Rural Radio Services, rule §§ 21.508(e) and 21.605(d) require that transmitters must be equipped with a low-pass audio frequency modulation filter; and

It further appearing that, a substantial number of telephone company and miscellaneous common carrier licensees of "wide band" radio systems have indicated that, because they are unable to install the prescribed modulation filters in all of the older "wide band" transmitters by January 1, 1960, they will be unable to meet the aforementioned "type acceptance" requirements and, therefore, will be forced to cease operation of such unmodified transmitters on that date; and

It further appearing that, since most of such unmodified transmitters are in the hands of public subscribers to the service, such action would disrupt public communication service and would not be in the public interest; and

It further appearing that, although the prescribed modulation filters are essential to proper operation of "split channel" radio systems, their use is not essential to satisfactory operation of "wide band" systems, and no adverse impact would result if transmitters operationally integrated into "wide band" system were exempted from the modulation filter requirements until November 1, 1963, when all "wide band" systems must be converted to "split-channel" systems in these services; and

It further appearing that, since the aforementioned exemption of certain transmitters from the modulation filter requirements will permit such transmitters to retain their present "type acceptance" status, it will not be necessary to discontinue operation of such transmitters on January 1, 1960, thereby serving the public interest by providing for

the maintenance of continuity of public service; and

It further appearing that there is good cause for making such rule changes, which are in the nature of relaxation of present restrictions, and it is necessary that such changes be made effective at the earliest practicable date; therefore proposed rule-making procedure pursuant to the provisions of section 4(a) of the Administrative Procedure Act is impractical, unnecessary and contrary to the public interest;

It is ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, § 21.508 (e) and (f) and § 21.605 (d) and (e) are amended as shown below, effective November 18, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 21.508 is amended by revising paragraph (e) and adding new paragraph (f) as follows:

§ 21.508 Modulation requirements.

(e) Each transmitter, which has more than 3 watts plate power input to the final radio frequency stage and was initially authorized or installed at the station in this service after July 1, 1950, employing type A3 or F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraphs (c) and (d) of this section.

(f) Each transmitter, which employs type A3 or F3 emission and first authorized or installed in this service after October 31, 1958, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (e) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kc and 15 kc, the filter shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc. The low-pass audio filter requirement shall not be mandatory until November 1, 1963, for transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958: *Provided*, That the overall frequency response of the audio and modulating circuits nevertheless corresponds approximately with the response which would result if the prescribed filter were employed.

2. Section 21.605 is amended by revising paragraph (d) and adding new paragraph (e) as follows:

§ 21.605 Modulation requirements.

(d) Each transmitter, which has more than 3 watts plate power input to the final radio frequency stage and was initially authorized or installed at the station in this service after July 1, 1950, employing type A3 or F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraphs (b) and (c) of this section.

(e) Each transmitter, which employs type A3 or F3 emission and first authorized or installed in this service after October 31, 1958, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kc and 15 kc, the filter shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc. The low-pass audio filter requirement shall not be mandatory until November 1, 1963, for transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958: *Provided*, That the overall frequency response of the audio and modulating circuits nevertheless corresponds approximately with the response which would result if the prescribed filter were employed.

[F.R. Doc. 59-9979; Filed, Nov. 24, 1959; 8:50 a.m.]

Title 39—POSTAL SERVICE**Chapter I—Post Office Department****PART 25—FOURTH CLASS****Fourth-Class Mail Increased Postage Rates**

Pursuant to the general provisions relating to the Post Office Department contained in Chapter IV of the Supplemental Appropriation Act of 1951, approved September 27, 1950, as amended by section 213 of the Postal Rate Increase Act, 1958, approved May 27, 1958 (64 Stat. 1050, 72 Stat. 143, 31 U.S.C. 695), and section 207 of the Act of February 28, 1925, as amended (43 Stat. 1067, 45 Stat. 942, 39 U.S.C. 247), this Department requested the Interstate Commerce Commission to consent to the establishment of such rate increases and other

reforms necessary to insure (1) that the revenues from fourth-class mail service will not exceed by more than 4 per centum the costs thereof and (2) that the costs of such fourth-class mail service will not exceed by more than 4 per centum the revenues therefrom. Consent has been given by the Interstate Commerce Commission in its decision dated November 17, 1959, Docket No. 32158, to revise postal rates on parcels

of fourth-class mail and on catalogs and similar printed advertising matter of the fourth class. Accordingly, paragraphs (a) and (b) of § 25.1, Title 39, Code of Federal Regulations, are hereby amended to read as follows effective February 1, 1960:

§ 25.1 Rates.

(a) *Fourth-class (parcel post) zone rates.*

Weight, 1 pound and not exceeding— <i>Pounds</i>	Zones							
	Local	1 and 2	3	4	5	6	7	8
2	\$0.24	\$0.33	\$0.35	\$0.39	\$0.45	\$0.51	\$0.58	\$0.64
3	.26	.38	.41	.47	.55	.64	.74	.83
4	.28	.43	.47	.55	.65	.77	.90	1.02
5	.30	.48	.53	.63	.75	.90	1.06	1.21
6	.32	.53	.59	.70	.85	1.03	1.22	1.40
7	.34	.58	.65	.77	.95	1.16	1.38	1.59
8	.36	.63	.71	.84	1.05	1.29	1.54	1.78
9	.38	.68	.77	.91	1.15	1.42	1.70	1.97
10	.40	.73	.83	.98	1.25	1.55	1.86	2.16
11	.42	.77	.89	1.05	1.35	1.67	2.02	2.34
12	.44	.81	.95	1.12	1.45	1.79	2.18	2.52
13	.46	.85	1.01	1.19	1.55	1.91	2.34	2.70
14	.48	.89	1.07	1.26	1.65	2.03	2.50	2.88
15	.50	.93	1.13	1.33	1.75	2.15	2.66	3.06
16	.52	.97	1.18	1.40	1.85	2.27	2.81	3.24
17	.54	1.01	1.23	1.47	1.95	2.39	2.96	3.42
18	.56	1.05	1.28	1.54	2.05	2.51	3.11	3.60
19	.58	1.09	1.33	1.61	2.15	2.63	3.26	3.78
20	.60	1.13	1.38	1.68	2.25	2.75	3.41	3.96
21	.62	1.17	1.43	1.75	2.34	2.87	3.56	4.14
22	.64	1.21	1.48	1.82	2.43	2.99	3.71	4.32
23	.66	1.25	1.53	1.89	2.52	3.11	3.86	4.50
24	.68	1.29	1.58	1.96	2.61	3.23	4.01	4.68
25	.70	1.33	1.63	2.03	2.70	3.35	4.16	4.86
26	.72	1.37	1.68	2.10	2.79	3.47	4.31	5.04
27	.74	1.41	1.73	2.17	2.88	3.59	4.46	5.22
28	.76	1.45	1.78	2.24	2.97	3.71	4.61	5.40
29	.78	1.49	1.83	2.31	3.06	3.83	4.76	5.58
30	.80	1.53	1.88	2.38	3.15	3.95	4.91	5.76
31	.82	1.57	1.93	2.45	3.24	4.06	5.05	5.93
32	.84	1.61	1.98	2.52	3.33	4.17	5.19	6.10
33	.86	1.65	2.03	2.59	3.42	4.28	5.33	6.27
34	.88	1.69	2.08	2.66	3.51	4.39	5.47	6.44
35	.90	1.73	2.13	2.73	3.60	4.50	5.61	6.61
36	.92	1.77	2.18	2.80	3.69	4.61	5.75	6.78
37	.94	1.81	2.23	2.87	3.78	4.72	5.89	6.95
38	.96	1.85	2.28	2.94	3.87	4.83	6.03	7.12
39	.98	1.89	2.33	3.01	3.96	4.94	6.17	7.29
40	1.00	1.93	2.38	3.08	4.05	5.05	6.31	7.46
41	1.02	1.97	2.43	3.15	4.14	5.16	6.45	7.62
42	1.04	2.01	2.48	3.22	4.23	5.27	6.59	7.79
43	1.06	2.05	2.53	3.29	4.32	5.38	6.73	7.94
44	1.08	2.09	2.58	3.36	4.41	5.49	6.87	8.10
45	1.10	2.13	2.63	3.43	4.50	5.60	7.01	8.26
46	1.12	2.17	2.68	3.50	4.59	5.71	7.15	8.42
47	1.14	2.21	2.73	3.57	4.68	5.82	7.29	8.58
48	1.16	2.25	2.78	3.64	4.77	5.93	7.43	8.74
49	1.18	2.29	2.83	3.71	4.86	6.04	7.57	8.90
50	1.20	2.33	2.88	3.78	4.95	6.15	7.71	9.06
51	1.22	2.37	2.93	3.84	5.03	6.26	7.84	9.22
52	1.24	2.41	2.98	3.90	5.11	6.37	7.97	9.38
53	1.26	2.45	3.03	3.96	5.19	6.48	8.10	9.54
54	1.28	2.49	3.08	4.02	5.27	6.59	8.23	9.70
55	1.30	2.53	3.13	4.08	5.35	6.70	8.36	9.86
56	1.32	2.57	3.18	4.14	5.43	6.81	8.49	10.02
57	1.34	2.61	3.23	4.20	5.51	6.92	8.62	10.18
58	1.36	2.65	3.28	4.26	5.59	7.03	8.75	10.34
59	1.38	2.69	3.33	4.32	5.67	7.14	8.88	10.50
60	1.40	2.73	3.38	4.38	5.75	7.25	9.01	10.66
61	1.42	2.77	3.43	4.44	5.83	7.36	9.14	10.82
62	1.44	2.81	3.48	4.50	5.91	7.47	9.27	10.98
63	1.46	2.85	3.53	4.56	5.99	7.58	9.40	11.14
64	1.48	2.89	3.58	4.62	6.07	7.69	9.53	11.30
65	1.50	2.93	3.63	4.68	6.15	7.80	9.66	11.46
66	1.52	2.97	3.68	4.74	6.23	7.91	9.79	11.62
67	1.54	3.01	3.73	4.80	6.31	8.02	9.92	11.78
68	1.56	3.05	3.78	4.86	6.39	8.13	10.05	11.94
69	1.58	3.09	3.83	4.92	6.47	8.24	10.18	12.10
70	1.60	3.13	3.88	4.98	6.55	8.35	10.31	12.26

EXCEPTIONS

- In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate is the same as for the third zone.
- Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

(b) Catalogs and similar printed advertising matter.

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
1.5	14	16	18	20	22	24	26	28
2.0	16	20	22	24	26	29	32	35
2.5	18	23	25	27	29	33	37	41
3.0	18	24	26	28	31	36	40	45
3.5	19	25	28	30	34	39	44	50
4.0	20	27	29	32	36	42	48	54
4.5	20	28	31	34	39	45	51	59
5.0	21	29	32	36	41	48	55	63
5.5	22	30	34	38	43	51	59	68
6.0	22	31	35	40	46	54	62	72
6.5	23	33	37	42	48	57	66	77
7.0	24	34	38	44	51	60	70	81
7.5	25	35	40	46	53	63	74	85
8.0	25	36	41	47	55	66	77	90
8.5	26	37	43	49	57	69	81	95
9.0	27	39	44	51	60	72	85	99
9.5	27	40	46	53	63	75	88	104
10.0	28	41	47	55	65	78	92	108

EXCEPTION: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

NOTE: These rates apply to individually addressed catalogs and similar printed advertising matter in bound form, weighing 16 ounces or over, but not exceeding 10 pounds, and consisting of 24 or more pages.

(R.S. 161, as amended, 396, as amended; sec. 207, 43 Stat. 1067, 45 Stat. 942, as amended, sec. 101, 64 Stat. 1050, 72 Stat. 143; 5 U.S.C. 22, 369, 31 U.S.C. 695, 39 U.S.C. 247)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

The rates set forth in the foregoing amendments to § 25.1 of Title 39, Code of Federal Regulations, are hereby adopted as the regulations of the Department.

J. McKIBBIN, Jr.,
Deputy Postmaster General.

[F.R. Doc. 59-10004; Filed, Nov. 24, 1959;
8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 322—REMUNERATION

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

PART 330—DETERMINATION OF DAILY BENEFIT RATES

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), the first two paragraphs of § 322.1 of Part 322 (24 F.R. 2487), paragraph 2 of § 325.1 of Part 325 (20 CFR 325.1), and §§ 330.1 and 330.5(a) of Part 330 (24 F.R. 12) of the regulations under such act are amended by Board Order 59-199, dated November 5, 1959, to read as follows:

§ 322.1 Statutory provisions.

Subject to the provisions of section 4 of this act, (1) a day of unemployment, with respect to any employee, means a calendar day * * * with respect to which * * * no remuneration is payable or accrues to him * * *; and (2) a "day of sickness", with respect to any employee, means a calendar day * * * with respect to which * * * no remuneration is payable or accrues to him * * *. *Provided, however, That "subsidiary remuneration", as hereinafter defined in this subsection, shall not be considered remuneration*

for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than \$500 * * *.

For the purpose of this subsection, the term "subsidiary remuneration" means, with respect to any employee, remuneration not in excess of an average of three dollars a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (1) requires substantially less than full time as determined by generally prevailing standards, and (11) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation. (Section 1(k), Railroad Unemployment Insurance Act.)

§ 325.1 Statutory provisions.

Section 1(k) of the Railroad Unemployment Insurance Act (as amended) provides that:

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (1) no remuneration is payable or accrues to him, and (11) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office * * *. *Provided, however, That "subsidiary remuneration" as * * * defined * * * shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than \$500: Provided, further, That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the first of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the second of such calendar days: Provided, further, That any calendar day on which no remuneration is payable or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall*

not be considered * * * a day of unemployment * * *.

§ 330.1 Statutory provisions.

* * * The benefits payable to any * * * employee for each * * * day of unemployment or sickness shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing his total compensation with respect to employment in his base year:

Column I	Column II Daily benefit rate
Total compensation	
\$500 to \$699.99	\$4.50
\$700 to \$999.99	5.00
\$1,000 to \$1,299.99	5.50
\$1,300 to \$1,599.99	6.00
\$1,600 to \$1,899.99	6.50
\$1,900 to \$2,199.99	7.00
\$2,200 to \$2,499.99	7.50
\$2,500 to \$2,799.99	8.00
\$2,800 to \$3,099.99	8.50
\$3,100 to \$3,499.99	9.00
\$3,500 to \$3,999.99	9.50
\$4,000 and over	10.20

*Provided, however, That if the daily benefit rate in column II with respect to any employee is less than an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, such rate shall be increased to such amount but not to exceed \$10.20. The daily rate of compensation referred to in the last sentence shall be as determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both * * *. (Section 2(a), Railroad Unemployment Insurance Act.)*

§ 330.5 Use of daily rate of compensation in determining daily benefit rate.

(a) *Initial determination.* If the daily benefit rate specified in section 2(a) of the Act for the amount of the employee's base year compensation is less than the maximum daily benefit rate, it shall be compared to 60 percent of the daily rate (up to \$17.00) of his compensation for the last employment in which he engaged for an employer in the base year; and whichever is the greater shall be established as the employee's daily benefit rate for the benefit year. For this purpose, the office processing the employee's application for benefits may use the information furnished (1) on a verified pay rate report, or (2) on an unverified pay rate report showing a rate of compensation not inconsistent with the usual rates of pay in the occupation shown as the employee's last employment in the base year. If the rate of compensation shown on an unverified pay rate report appears to be inconsistent with the usual rate for the employee's last employment in the base year, the daily benefit rate to which his base year compensation entitles him shall be used pending correction or verification of his pay rate report.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: November 18, 1959.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 59-9953; Filed, Nov. 24, 1959;
8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

I 26 CFR (1954) Part 1 I

INCOME TAX; TAX YEARS BEGINNING AFTER DECEMBER 31, 1953

Trademark and Trade Name Expenditures

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

DANA LATHAM,

Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 4 of the Act of June 29, 1956 (Public Law 629, 84th Cong., 70 Stat. 406), relating to trademark and trade name expenditure paid or incurred during any taxable year beginning after December 31, 1955, such regulations are amended as follows:

§ 1.167 [Amendment]

PARAGRAPH 1. Section 1.167(a)-3 is amended by adding at the end thereof the following sentence: "For rules with respect to trademark and trade name expenditures, see section 177 and the regulations thereunder."

PAR. 2. The following is inserted immediately after § 1.176:

§ 1.177 Statutory provisions; trademark and trade name expenditures.

SEC. 177. *Trademark and trade name expenditures*—(a) *Election to amortize*. Any trademark or trade name expenditure paid or incurred during a taxable year beginning after December 31, 1955, may, at the election of the taxpayer (made in accordance with regulations prescribed by the Secretary or his delegate), be treated as a deferred expense.

In computing taxable income, all expenditures paid or incurred during the taxable year which are so treated shall be allowed as a deduction ratably over such period of not less than 60 months (beginning with the first month in such taxable year) as may be selected by the taxpayer in making such election. The expenditures so treated are expenditures properly chargeable to capital account for purposes of section 1016(a)(1) (relating to adjustments to basis of property).

(b) *Trademark and trade name expenditures defined*. For purposes of subsection (a), the term "trademark or trade name expenditure" means any expenditure which—

(1) Is directly connected with the acquisition, protection, expansion, registration (Federal, State, or foreign), or defense of a trademark or trade name;

(2) Is chargeable to capital account; and

(3) Is not part of the consideration paid for a trademark, trade name, or business.

(c) *Time for and scope of election*. The election provided by subsection (a) shall be made within the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which the expenditure is paid or incurred. The period selected by the taxpayer under subsection (a) with respect to the expenditures paid or incurred during the taxable year which are treated as deferred expenses shall be adhered to in computing his taxable income for the taxable year for which the election is made and all subsequent years.

(d) *Cross reference*. For adjustments to basis of property for amounts allowed as deductions for expenditures treated as deferred expenses under this section, see section 1016(a)(16).

[Sec. 177 as added by sec. 4(a), Pub. Law 629, 84th Cong., 70 Stat. 406]

§ 1.177-1. Election to amortize trademark and trade name expenditures.

(a) *In general*. (1) Section 177 provides that a taxpayer may elect to treat any trademark or trade name expenditure (defined in section 177(b) and paragraph (b) of this section) paid or incurred during a taxable year beginning after December 31, 1955, as a deferred expense. Any expenditure so treated shall be allowed as a deduction ratably over the number of continuous months (not less than 60) selected by the taxpayer, beginning with the first month of the taxable year in which the expenditure is paid or incurred. The term "paid or incurred", as used in section 177 and this section, is to be construed according to the method of accounting used by the taxpayer in computing taxable income. See section 7701(a)(25). An election under section 177 is irrevocable insofar as it applies to a particular trademark or trade name expenditure, but separate elections may be made with respect to other trademark or trade name expenditures. See subparagraph (3) of this paragraph. See also paragraph (c) of this section for time and manner of making election.

(2) The number of continuous months selected by the taxpayer may be equal to or greater, but not less, than 60, but in any event the deduction must begin with the first month of the taxable year in which the expenditure is paid or incurred. The number of months selected

by the taxpayer at the time he makes the election may not be subsequently changed but shall be adhered to in computing taxable income for the taxable year for which the election is made and all subsequent taxable years.

(3) Section 177 permits an election by the taxpayer for each separate trademark or trade name expenditure. Thus, a taxpayer who has several trademark or trade name expenditures in a taxable year may elect under section 177 with respect to some of such expenditures and not elect with respect to the other expenditures. Also, a taxpayer may choose different amortization periods for different trademark or trade name expenditures with respect to which he has made the election under section 177.

(4) All trademark and trade name expenditures are properly chargeable to capital account for purposes of section 1016(a)(1), relating to adjustments to basis of property, whether or not they are to be amortized under section 177. However, the trademark and trade name expenditures with respect to which the taxpayer has made an election under section 177 must be kept in a separate account in the taxpayer's books and records. See paragraph (c) of this section. See also section 1016(a)(16) and paragraph (m) of § 1.1016-5 for adjustments to basis of property for amounts allowed as deductions under section 177 and this section.

(b) *Trademark and trade name expenditures defined*. (1) The term "trademark and trade name expenditure", as used in section 177 and this section, means any expenditure which—

(i) Is directly connected with the acquisition, protection, expansion, registration (Federal, State, or foreign), or defense of a trademark or trade name;

(ii) Is chargeable to capital account; and

(iii) It is not part of the consideration of purchase price paid for a trademark, trade name, or a business (including goodwill) already in existence.

An expenditure which fails to meet one or more of these tests is not a trademark or trade name expenditure for purposes of section 177 and this section. Amounts paid in connection with the acquisition of an existing trademark or trade name may not be amortized under section 177 even though such amounts may be paid to protect or expand a previously owned trademark or trade name through purchase of a competitive trademark. Similarly, the provisions of section 177 and this section are not applicable to expenditures paid or incurred for an agreement to discontinue the use of a trademark or trade name (if the effect of the agreement is the purchase of a trademark or trade name) nor to expenditures paid or incurred in acquiring franchises or rights to the use of a trademark or trade name. Generally, section 177 will apply to expenditures such as legal fees and other costs in connection with the acquisition of a certificate of registration of a trademark from

the United States or other government, artists' fees and similar expenses connected with the design of a distinctive mark for a product or service, litigation expenses connected with infringement proceedings, and costs in connection with the preparation and filing of an application for renewal of registration and continued use of a trademark.

(2) Expenditures for a trademark or trade name which has a determinable useful life and which would otherwise be depreciable under section 167 must be deferred and amortized under section 177 if an election under section 177 is made with respect to such expenditures.

(3) The following examples illustrate the application of section 177:

Example (1). X Corporation engages an artist to design a distinctive trademark for its product. At the same time it retains an attorney to prepare the papers necessary for registration of this trademark with the Federal Government. The fees of both the artist and the attorney may be amortized under section 177 over a period of not less than 60 continuous months.

Example (2). Y Corporation wishes to expand the market served by its product. It acquires a competing firm in a neighboring State. The contract of sale provides for a purchase price of \$250,000 of which \$225,000 shall constitute payment for physical assets and \$25,000 for the trademark and goodwill. No part of the purchase price may be amortized under section 177.

Example (3). M Corporation brings suit against N Corporation for infringement of M's trademark. The costs of this litigation may be amortized under section 177.

(c) *Time and manner of making election.* (1) A taxpayer who elects to defer and amortize any trademark or trade name expenditure paid or incurred during a taxable year beginning after December 31, 1955, shall, within the time prescribed by law (including extensions thereof) for filing his income tax return for that year, attach to his income tax return a statement signifying his election under section 177 and setting forth the following:

(i) Name and address of the taxpayer, and the taxable year involved;

(ii) An identification of the character and amount of each expenditure to which the election applies and the number of continuous months (not less than 60) during which the expenditures are to be ratably deducted; and

(iii) A declaration by the taxpayer that he will make an accounting segregation on his books and records of the trademark and trade name expenditures for which the election has been made, sufficient to permit an identification of the character and amount of each such expenditure and the amortization period selected for each expenditure.

(2) The provisions of subparagraph (1) of this paragraph shall apply to income tax returns and statements required to be filed more than 90 days after the date of publication in the FEDERAL REGISTER of regulations under section 177 as a Treasury decision. Elections properly made in accordance with the provisions of Treasury Decision 6209, approved October 26, 1956 (21 F.R. 8319), continue in effect.

§ 1.1016 [Amendment]

PAR. 3. Section 1.1016 is amended—

(A) By striking out the period at the end of section 1016(a) (15) and inserting in lieu thereof a semicolon and by adding at the end of section 1016(a) the following new paragraph:

(16) For amounts allowed as deductions for expenditures treated as deferred expenses under section 177 (relating to trademark and trade name expenditures) and resulting in a reduction of the taxpayer's taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years.

(B) By inserting the following historical note after section 1016(b):

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1956 (Pub. Law 629, 84th Cong., 70 Stat. 407)]

§ 1.1016-5 [Amendment]

PAR. 4. Section 1.1016-5 is amended by adding after paragraph (1) the following new paragraph:

(m) *Trademark and trade name expenditures.* Trademark and trade name expenditures treated as deferred expenses under section 177 are chargeable to capital account and shall be an adjustment to the basis of the property to which they relate. The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions which results in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2, relating to tax on self-employment income) of the Internal Revenue Code of 1954, but not less than the amounts allowable under such section for the taxable year and prior years. This amount is considered as the "tax-benefit amount allowed" and shall be determined in accordance with paragraph (e) of § 1.1016-3.

[F.R. Doc. 59-9966; Filed, Nov. 24, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-350]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of VOR Federal airway No. 482 from Las Vegas, N. Mex., to Liberal, Kans. This would be a new airway. At present, a portion of the parallel route structure serving the Albuquerque, N. Mex., terminal area from the east is formed by VOR Federal airways No. 190 and 234. However, these routes converge at Dalhart, Tex. Designation of Victor 482 with

associated control areas from Las Vegas to Liberal via a VOR to be installed approximately February 11, 1960, near Clayton, N. Mex., at Latitude 36°23'18" N., Longitude 103°12'30" W., would provide a by-pass airway to the north of Dalhart, and would permit more effective management of air traffic in this heavily travelled area.

If this action is taken, VOR Federal airway No. 482, with associated control areas would be designated from Las Vegas, N. Mex., via Clayton, N. Mex., to Liberal, Kans.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-9943; Filed, Nov. 24, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-67]

CONTROL ZONES AND CONTROL AREAS

Designation of Control Zone and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and

§ 601.1103 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the United States Air Force to designate a control zone at Minot AFB, N. Dak., and to modify the Minot control area extension. Minot AFB is located approximately 12 miles north-northwest of Minot, N. Dak., at latitude 48°25'18" N., longitude 101°22'08" W. An instrument landing system is being installed at Minot AFB to serve landing traffic with final approach from the southeast to the northwest. At present, there is no control zone designated at Minot AFB. Designation of a control zone, within a 5-mile radius of Minot AFB, with an extension to the southeast, 2 miles either side of the Minot AFB ILS localizer southeast course to the outer marker, which is to be installed at latitude 28°21'01" N., longitude 101°12'43" W., would provide protection for aircraft conducting instrument approaches at Minot AFB. The present Minot control area extension is designated within a 15-mile radius of the Minot VOR. To provide protection for aircraft arriving and departing both Minot AFB and Minot International Airport during instrument conditions, it is proposed to redesignate the Minot control area extension within a 35-mile radius of Minot AFB.

If these actions are taken, a control zone would be designated at Minot AFB, N. Dak., within a 5-mile radius of Minot AFB and within 2 miles either side of the Minot AFB localizer southeast course extending from the 5-mile radius zone to the Minot AFB outer marker. The Minot control area extension would be designated within a 35-mile radius of Minot AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-9944; Filed, Nov. 24, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 13273; FCC 59-1177]

PUBLIC SAFETY RADIO SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 10 of the Commission's rules, so as to establish a medical emergency radio service; provision of additional assignable frequencies for the use of licensees in the Police, Fire and Highway Maintenance Radio Services; revision of the classes of persons who are eligible for licensing in the Special Emergency Radio Service and the deletion of certain frequencies assignable to licensees in the Special Emergency Radio Service, Docket No. 13273.

1. Notice is hereby given of Proposed Rule Making in the above-captioned procedure.

2. The Commission, in Docket Number 11253, reduced the separation between assignable frequencies in 152-162 Mc band from 60 to 30 kilocycles and subsequently, in Docket Number 11990, further reduced the separation between assignable frequencies in this band from 30 to 15 kilocycles. Separation between assignable frequencies in the 42-50 Mc band was also reduced from 40 to 20 kilocycles by the Commission's action in Docket Number 11990. Service allocations for all frequencies made assignable by virtue of the above referred to reductions in the separation between assignable frequencies were proposed in Dockets Number 11990 and 12169. However, the Reports and Orders in these proceedings established no service allocations for six frequencies in the 42-50 Mc band and 69 frequencies in the 152-162 Mc band. These frequencies are composed of 6 frequencies in the 42-50 Mc band and 24 frequencies in the 152-162 Mc band originally proposed to be made available for assignment to licensees in the proposed Interstate Highway Radio Service, which service was never established; 33 frequencies in the 152-162 Mc band originally proposed to be made available for assignment to licensees in the Local Government Radio Service but which were not made so assignable; and 12 frequencies in the 152-162 Mc band which were proposed for assignment to licensees in the Special Emergency Radio Service but which were likewise not made so assignable. The Commission stated in the Report and Order in Docket Number 11990 that the service-allocation of all these frequencies would be established in subse-

quent rule making proceedings which proceedings would also encompass revision of the classes of persons eligible for licensing in the Special Emergency Radio Service.

3. Subsequent to the Commission's final action in Docket No. 11990, petitions have been filed, by persons including the American Association of State Highway Officials, the California State Highway Patrol, the Associated Public Communications Officers, Inc., and the California Public Safety Radio Association, each of which seeks to have all or a part of the above-referred-to frequencies made assignable to Highway Maintenance Radio Service, Police Radio Service, or Fire Radio Service licensees. Petitions have also been filed by the American Hospital Association and the American Medical Association seeking rule changes which collectively, so far as Part 10 of the Commission's Rules is concerned, would make persons operating hospitals, and physicians, regardless of geographical location, eligible for licensing in the Public Safety Radio Services and provide frequencies that would be available only for the use of such classes of persons. In addition, the General Electric Company has requested that two frequencies in the 152-162 Mc band be made available for the control of traffic devices.

4. The American Association of State Highway Officials seeks to have all six of the frequencies in the 42-50 Mc band which presently bear no service-allocation made available for assignment to Highway Maintenance Radio Service licensees. In support of such sought allocation, the resolution of this petitioner alleges: "The greatly expanded highway program now under way has accelerated the rate at which highway departments are applying for authorization to use radio frequencies" and "the needs of highway departments cannot be met in all instances from frequencies now allocated to the Highway Maintenance Radio Service."

5. The California Public-Safety Radio Association, Inc., seeks "amendment of Part 10 of the Rules to make immediately available to the Police and Fire Radio Services all of the unassigned split-channel frequencies existing between the present police and fire frequencies." (All of the six frequencies in the 42-50 Mc band and the 69 frequencies in the 152-162 Mc band which bear no service-allocation are composed of split-channels between frequencies presently assignable either to Police Radio Service or Fire Radio Service licensees.) This petitioner which represents the "majority of the radio services within its area of operations [14 California counties] functioning under Part 10 of the Rules" has submitted, as an appendix to its petition, a total of 12 exhibits. Among the facts which these exhibits indicate are: that in the 14 counties represented by the petitioner there were on January 1, 1958, 8,500,300 persons; that in 9 of the counties represented by the petitioner there are a total of 4,426,853 registered motor vehicles; that there are 104 cities within a 75 mile radius of Los Angeles City Hall

with a total population of 7,223,701; that in the area represented by the petitioner "the thirty-five 150 Mc police channels now available are occupied by 114 base, 4,495 mobile, 37 control and 7 mobile relay stations, and that the twelve 150 Mc fire channels are occupied by 144 base, 1,382 mobile and 3 mobile relay stations"; and that population of the area represented by the petitioner has experienced a phenomenal growth in the past seven years.

This petitioner alleges that the exhibits submitted with its petition show there is an existing need for additional frequencies available to Fire Radio Service and Police Radio Service licensees in its area of operation and that failure to provide such additional available frequencies would require that additional radio systems be allowed to utilize present operating frequencies which action will "seriously impair the operation of existing systems, create an intolerable interference situation and place an economic problem on new systems by stipulating a frequency change at some future date."

6. The Associated Public Communications Officers, Inc., seek, as did the California Public-Safety Radio Association, Inc., rule amendments which would make available to Police Radio Service and Fire Radio Service licensees all of the aforementioned frequencies. This organization which represents "governmental licensees in the Public Safety Radio Services within the northern part of California and the State of Nevada," points out many of the same facts alleged in support of the petition filed by the California Public-Safety Radio Association, Inc. In addition, this petitioner states "many agencies are operating, due to the lack of suitable frequencies, 100-150 police or fire mobile units on a single channel. Our experience during recent earthquakes, floods, other similar emergencies, indicates during these periods anything in excess of 50 mobile units per channel causes such serious overloading of the channel that the systems tend to break-down, resulting in loss of operations and coordination among the mobile units."

7. The California Highway Patrol seeks rule amendments which would provide that 16 additional frequencies in 152-162 Mc bands be made available to Police Radio Service users and requests that such frequencies be restricted so as to be primarily assignable only to State licensees. In support of its request this petitioner alludes to the Commission's recent suggestion in Docket 11269 that "agencies requiring dependable communications look to frequencies other than the 30-50 Mc band for relief" and states that frequencies in the 150 Mc band should be provided for the use of state-wide policing organizations because such frequencies "are not subject to the skip interference problems in the 42 Mc channels."

8. The American Medical Association filed a petition which requested amendment of several parts of the Commission's rules. Insofar as Part 10 is concerned, this petitioner seeks rule amendments which will "establish a class of private mobile radio service to be known as Physician's Radio Service, and assign to

this service a block of ten frequencies in the 150 Mc band and two frequencies in the 40 Mc band all on an exclusive basis" and "amend subpart J of Part 10 of the Rules to permit utilization of the existing rural physician's radio service in communities and towns up to 50,000 in population." This petitioner recognizes the fact that the Commission's rules, as presently constituted, allow the licensing of physicians having a regular practice in rural areas. However, petitioner alleges that there is also an urgent need for allowing physicians operating in urban areas to be likewise licensed so as to provide a reliable radio service "for the use of the medical profession not only in the day-to-day emergencies affecting the safety of life that arise in the routine practice of the profession, but also for use in mobilizing physicians during times of extreme national, regional or local emergency." The petitioner states that the Commission's present rules regarding the use of radio facilities licensed to physicians having a regular rural practice which limit the use of such facilities to "messages relating to safety of life or property and urgent messages relating to the medical duties of the licensee" are satisfactory but that the rural physician limitation should be altered. Therefore, the petitioner requests that the present rules applicable to the use of radio facilities by physicians having a regular rural practice be amended so as to provide that physicians having a regular practice in towns or communities up to 50,000 population are eligible for licensing in the Special Emergency Radio Service. In addition, this party states that: "with respect to cities having a population in excess of 50,000, petitioner believes that physician's needs can best be met by requiring the cooperative use of a block of frequencies assigned to a central office of a medical bureau or medical society furnishing service to all physicians desiring radio communications service. This would result in efficient use of the frequencies and would provide the special personalized type of service needed by the medical profession."

9. The American Hospital Association seeks the establishment of "specific eligibility standards for hospitals" and the allocation of "radio frequencies for the use of such hospitals." In support of its request, petitioner alleges that "hospitals daily are confronted with emergency situations which involve the safety and preservation of human life and alleviation of human suffering under circumstances in which time is a critical factor. Moreover, when a serious accident occurs and when a disaster strikes a community, hospitals become focal points of community medical resources in caring for the multiple casualties." It is the petitioner's contention that the availability of radio communication will enable it "better to care for the ill and injured and to discharge their public responsibility to provide more effective hospital service and medical care for the protection of life and alleviation of suffering."

Among the needs petitioner alleges hospitals have for radio communications are: "effective hospital communication with ambulances"; "effective hospital

communications with other vehicles such as the automobiles of staff physicians and surgeons and other key hospital personnel and with vehicles such as hospital trucks and station wagons"; "effective communication between hospitals where timing is critical".

In addition to alleging numerous needs for the use of radio facilities by hospitals, petitioner states:

The adoption of rules which establish specific eligibility standards for hospitals and which reserve radio frequencies for the use of hospitals would permit greater utilization of radio by hospitals and would be in accord with three fundamental principles which the Commission in the past has established as guides in determining the allocation of non-broadcast frequencies. First, hospitals really require the use of radio because wire lines are not a practical substitute. Second, hospital use of radio has a relatively greater priority than many other uses for radio—including existing uses—since it is necessary to safeguard human life. Third, the use of radio by hospitals would render benefits to the public at large because all persons in the community benefit by improved hospital service.

It is the contention of the American Hospital Association that "at least two frequencies below 50 Mc and at least 3 frequencies in the 150 Mc or 450 Mc bands should be provided on an exclusive basis for the use of hospitals" so as to allow such organizations to efficiently carry out their functions in regard to the safety and preservation of human life. The petitioner indicates a willingness to have any such frequencies that may be made available for the use of hospitals limited so that only those communications necessary to the rendition of an efficient hospital service may be transmitted.

10. The Commission after considering each of the petitions referred to, *supra*, proposes to:

(a) Establish a Medical Emergency Radio Service wherein eligibility for licensing would be limited to physicians, persons operating hospitals and persons operating emergency ambulance services.

(b) Make 13 of the frequencies in 152-162 Mc band and four of the frequencies in the 42-50 Mc band, presently bearing no service-allocation, available for assignment to licensees in the proposed Medical Emergency Radio Service.

(c) Require that radio facilities licensed in the Medical Emergency Radio Service transmit only urgent messages essential to the medical duties of the licensee, urgent messages essential to the efficient rendition of hospital service, or urgent messages essential to the efficient rendition of an ambulance service.

(d) Make 10 frequencies in 152-162 Mc band which bear no service-allocation available for assignment to licensees in the Highway Maintenance Radio Service.

(e) Make 16 of the frequencies in the 152-162 Mc band and two frequencies in the 42-50 Mc band which presently bear no service-allocation available for assignment to licensees in the Fire Radio Service. It is proposed that a frequency in the 42-50 Mc band and one of the frequencies in the 152-162 Mc band will be assignable to all persons eligible for licensing in the Fire Radio Service regardless of the applicant's proximity to

other licensees authorized to utilize said frequency or frequencies but for "mutual aid" communications only and that subsequent to November 1, 1963, assignment of other frequencies for the provision of "mutual aid" communications will not be permitted.

(f) Make 25 frequencies in the 152-162 Mc band presently bearing no service-allocation available for assignment to licensees in the Police Radio Service.

(g) Make 5 frequencies in the 152-162 Mc band which presently bear no service-allocation available for assignment to licensees in the Special Emergency Radio Service and require that, after November 1, 1963, applications seeking assignment of such frequencies comply with the coordination provisions of § 10.8. (Prior to November 1, 1963, these frequencies would be assignable on the same conditions regarding coordination as are other "split-channels." See paragraph 10(m), infra.)

(h) Delete from the classes of persons eligible for licensing in the Special Emergency Radio Services:

- (1) ambulance operators
- (2) physicians

(This action is being proposed in view of the fact that ambulance operators and physicians will be eligible for licensing in the proposed Medical Emergency Radio Service.

(i) Provide that ambulance operators, physicians, and persons operating communications facilities presently licensed in the Special Emergency Radio Service may continue to be so licensed until November 1, 1963, provided that such licensees continue to utilize only those frequencies which they are presently authorized to utilize.

(j) Delete from the frequencies presently available for assignment to licensees in the Special Emergency Radio Service the 38 assignable frequencies in the 450-460 Mc band.

(k) Provide that those persons presently licensed in the Special Emergency Radio Service and authorized to utilize frequencies in the 450-460 Mc band may continue to be so authorized without cut-off date.

(l) Provide that applications in the Public Safety Radio Services which seek assignment of frequencies in the 450-460 Mc band must comply with the coordination procedures set forth in Section 10.8 of the Commission's Rules except that such applications need demonstrate coordination in the manner set forth in such section only within a radius of 25 miles of the proposed station location.

(The proposals contained in sub-paragraphs (j), (k), and (l) are advanced for the purpose of making the spectrum space in the 450-460 Mc band presently allocated to the Public Safety Radio Services sufficiently "interference-free" as to allow extensive use thereof in the conduct of essential communications by Police, Fire, Highway Maintenance, Forestry-Conservation, and Local Government licensees. Extensive use of these frequencies will relieve, to some extent, congestion in the essential Public Safety Services which presently exists in many areas of the country.)

(m) Provide that all the frequencies in the 42-50 Mc and 152-162 Mc band for which service-allocations are being proposed will be made assignable upon the same conditions regarding coordination and equipment which may be utilized as are the split-channels made assignable in Dockets Number 11990 and 12169.

11. Interested persons are specifically requested to file comments setting forth:

(a) Reasons why all frequencies made assignable to licensees in the proposed Medical Emergency Radio Service should be made available for physicians, persons operating hospitals and ambulance operators or in the alternative why such frequencies should be limited so that only a portion of them would be available to each of these classes of eligible persons. Comments advocating limitation of frequencies being proposed for assignment to licensees in the contemplated Medical Emergency Radio Service so that given frequencies may be assigned only to one class of the proposed licensees should specifically point out:

The manner in which communication between the various classes of licensees in the proposed service; i.e., physicians, hospital and ambulance operators, will be enhanced by the use of radio facilities; and

(b) Reasons why all or a portion of the frequencies being proposed for assignment to licensees in the Police Radio Service should or should not be restricted so as not to be available to State licensees.

12. The proposed amendments hereinabove described are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

13. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before February 1, 1960, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within thirty days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 18, 1959.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9977; Filed, Nov. 24, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

DAVENPORT, IOWA-ROCK ISLAND AND MOLINE, ILL., COMMERCIAL ZONE

Notice of Proposed Rule Making

NOVEMBER 20, 1959.

Revision of definition of boundary of Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone heretofore defined in No. MC-C-329; Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone, 48 M.C.C. 678.

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Davenport, Iowa, and Rock Island and Moline, Ill., within the meaning of section 203(b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Davenport, Iowa, and Rock Island and Moline, Ill., as determined in Davenport-Rock Island and Moline Commercial Zone, 48 M.C.C. 678, § 170.10, and to revise the description of such zone limits to read as follows:

(1) All points within the corporate limits of the City of Davenport and the City of Bettendorf, and in Davenport Township, Iowa;

(2) All points north of Davenport Township within that portion of Sheridan Township, Iowa, bounded by a line as follows: Beginning at the point somewhat south and east of Mount Joy Airport where an unnumbered highway extending northeasterly to the site of Mount Joy Airport crosses the northern boundary of Davenport township, and extending northwesterly along such highway to the southeasterly corner of such airport, thence along the eastern, northern and western boundaries of said airport to the southwestern corner thereof, and thence south in a straight line to the northern boundary of Davenport Township;

(3) (a) That part of Iowa lying west of the municipal limits of Davenport, south of Iowa Highway 22, north of the Mississippi River and east of the present Western boundary of the properties of the Dewey Portland Cement Co., at Linwood, including points on such boundaries, and (b) that part of Iowa east of the municipal limits of Bettendorf, south of U.S. Highway 67, west of a private road running between U.S. Highway 67, and Riverside Power Plant of the Iowa-Illinois Gas & Electric Co., and north of the Mississippi River, including points on such boundaries;

(4) The municipalities of Carbon Cliff, Silvis, East Moline, Moline, Rock Island, and Milan, Ill., and that part of Illinois lying south or east of such municipalities, within a line as follows: Beginning at a point where Illinois Highway 84 crosses the southern municipal limits of Carbon Cliff and extending southerly along such highway to its junction with Colona Road, thence southerly on

Bowlesburg Road to the southern boundary of Hampton Township, thence along the southern boundaries of Hampton and South Moline Townships to U.S. Highway 150, thence southerly along U.S. Highway 150 to the southern boundary of the Moline Airport, thence along the southern and western boundaries of the Moline Airport to Illinois Highway 92, and thence westerly along Illinois Highway 92 to the corporate limits of Milan; and

(5) All points in Illinois within $\frac{1}{2}$ mile on each side of Rock Island County State Aid Route No. 9 extending southwesterly from the corporate limits of Milan for a distance of 1 mile, including points on such highway.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before January 25, 1960.

Notice to the general public of the action taken herein shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-9964; Filed, Nov. 24, 1959;
8:48 a.m.]

[49 CFR Part 207]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Notice of Proposed Rule Making

NOVEMBER 9, 1959.

Upon consideration of a petition of North American Van Lines, Inc., and Ryder System, Inc., for amendment of § 207.2(f) of the rules governing the lease and interchange of vehicles by motor carriers prescribed under authority of the provisions of section 204 of the Interstate Commerce Act in 68 M.C.C. 553, and in order to determine whether the amendment proposed, or some other amendment, should be adopted, the Interstate Commerce Commission, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) hereby gives notice that the amendment of § 207.2(f) to read as follows is under consideration:

§ 207.2 Definitions.

* * * * *

(f) *Owner*. A person (1) to whom title to equipment has been issued, or (2) who, as lessee, has the right to exclusive use of equipment for a period longer than 30 days, or (3) who has lawful possession of equipment and has the same registered and licensed in any

State or States or the District of Columbia in his or its name.

No oral hearing is contemplated in respect of the proposal set forth above, but interested parties may file with the Commission written statements of facts, opinion, or arguments concerning the subject matter hereof. Any written statements so filed shall conform with the specifications provided in § 1.15 of the Commission's general rules of practice, shall consist of an original signed copy and six additional copies, and shall be filed with the Commission at its office

in Washington, D.C., on or before December 31, 1959.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-9963; Filed, Nov. 24, 1959;
8:48 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board, on November 5, 1959, entered the following Fifth, Sixth, Seventh and Eighth Supplemental Orders to the original order in this proceeding, dated September 10, 1959, published in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

FIFTH SUPPLEMENTAL ORDER

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules effective September 14, 1959, including the following:

Supplement No. 22 to Matson Navigation Company Freight Tariff No. 1-N, F.M.B. F-No. 87;

Supplement No. 3 to Matson Navigation Company Freight Tariff No. 9-B, F.M.B. F-No. 95; and

Supplement No. 2 to Matson Navigation Company Container Freight Tariff No. 11, F.M.B. F-No. 97.

It further appearing that said Original Order provides in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on October 19, 1959, Matson Navigation Company filed Special Permission Application No. NSL-46 on behalf of the carriers participating in the aforesaid schedules, which application, as lastly amended October 28, 1959, sought authority to file the following changes in said schedules or reissues thereof;

1. F.M.B.-F. No. 87—By Supplement No. 26 to reduce the rates on Onions (Items Nos. 605 and 610), Potatoes (Items Nos. 685, 690

and 695), and Refrigerator Cargo, viz: Pineapple, Pineapple Juice, or concentrate, as described in Item 820, to a level equal to that in effect on September 13, 1959.

2. F.M.B.-F. No. 95—By directing its cancellation under tariff F.M.B.-F. No. 105, and establishing, in F.M.B.-F. No. 105, a rate on canned or preserved foodstuffs (Item 5) at a level equal to that in effect on September 13, 1959.

3. F.M.B.-F. No. 97—By the publication of a consecutively numbered revised page 23 and an original page 28A, to publish rules (by amendment to Rules 6 and 6(a) and by the publication of a new Rule 40) in order to permit the use of smaller size containers than presently provided and to provide for a drayage allowance of 44, 50, and 56 cents for distances ranging from 10, 25, and 50 miles respectively, to shippers transporting such containers from the container freight yard to the shipper's place of business.

It further appearing that the Board, having found good cause therefor, has on November 5, 1959, granted special permission, under Special Permission No. 3788, to publish the proposed changes in Item No. 820 of tariff F.M.B.-F. No. 87 and in revised page 23 and original page 28A of tariff F.M.B.-F. No. 97 on not less than one day's notice and to publish the other proposed changes on not less than 30 days' notice, such Special Permission to be without prejudice to the right of the Board to suspend such schedules within the notice period either upon receipt of protests thereto or upon its own motion;

It is ordered, That the rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission or pursuant to any special permission heretofore granted shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto;

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board;

It is further ordered, That this Supplemental Order be published in the FEDERAL REGISTER; and

It is further ordered, That a copy of this Order shall be forthwith served upon Matson Navigation Company,

American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company, United States Lines Company, Lykes Bros. Steamship Company, Inc., Waterman Steamship Corporation, Walter R. Greiner, Agent, and upon the protestants named herein.

SIXTH SUPPLEMENTAL ORDER

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules effective September 14, 1959, including various schedules published by the Matson Navigation Company;

It further appearing that said Original Order provided in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on October 19, 1959, Matson Navigation Company filed Special Permission Application No. NSL-47, seeking authority to file a new schedule having the effect of extending to or from Stockton, California, the same rates on certain specified commodities, when shipped in containers, as will at the time of the extension, be applicable to or from San Francisco, California. Such schedule to contain new and amended rules relating to the use of smaller size containers and the establishment of a drayage allowance to shippers for transporting such containers from the container yard to shippers place of business; and

It further appearing that the Board having found good cause therefor has on November 5, 1959, granted special permission to publish such changes on not less than one day's notice, under Special Permission No. 3789;

It further appearing that Matson Navigation Company, has agreed that if such schedule is permitted to go into effect without suspension (1) to keep account of all freight moneys received by reason of the rates provided in such schedule, which are in excess of rates effective on September 13, 1959, under tariff F.M.B.-F. No. 97, commencing with its effective date and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedule; and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected under such rates in said schedule during the said period which may be in excess of those determined by the Board to be just and reasonable;

It is ordered, That the Original Order, as amended, be modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3789; and

It is further ordered, That the rates, charges, regulations and practices set forth in the schedule filed pursuant to

such special permission shall be subject to the investigation and hearing herein, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That Matson Navigation Company shall (1) keep an account of all freight moneys received by reason of the rates provided in such schedule, which are in excess of rates effective on September 13, 1959, under tariff F.M.B.-F. No. 97, commencing with its effective date and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedule; (2) that such carrier, upon final determination by the Board, shall refund to the person who paid the freight any freight charges collected under such rates in said schedule during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful;

It is further ordered, That copies of this Order shall be filed with said tariff schedule in the Office of the Federal Maritime Board;

It is further ordered, That this Sixth Supplemental Order be published in the FEDERAL REGISTER; and

It is further ordered, That a copy of this Order shall be forthwith served upon Matson Navigation Company; American President Lines, Ltd.; Isthmian Lines, Inc.; The Oceanic Steamship Company; United States Lines Company; Lykes Brothers Steamship Company, Inc.; Waterman Steamship Corporation and Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference and upon all protestants herein; and that copies of this Order be published in the FEDERAL REGISTER.

SEVENTH SUPPLEMENTAL ORDER

It appearing that, by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959; and

It further appearing, that Fourth Supplemental Order in Docket 869, served October 13, 1959, made the participating carriers in Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff F.M.B.-F. No. 20, respondents in subject docket; and

It further appearing that said Original Order provides in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further appearing that on October 19, 1959, by Application No. 11, filed on behalf of the carriers participating in the aforesaid schedule, request was made for special permission authority to file

the following changes in said schedule, said changes to be effective on not less than one day's notice: The following proposed amendments involve changes in rates:

(1) Change Group A and Group B rates on "Alkylate Detergent (Liquid Cleaning or Scouring Compound)" from \$37.75 per ton W/M, to \$37.76.

(2) Change Group A on "Gum, Chewing, Not Released" from \$44.58 per ton W/M, to \$44.56.

(3) Change Group A and Group B rates on "Lumber Carriers and Parts" from \$39.21 per ton W/M and \$36.36 per ton W/M, respectively, to \$36.55 and \$33.70, respectively.

(4) Change Group A rate on "Wines" from \$45.51 per ton W/M, to \$45.31.

(5) Change Group A and Group B rates on "Trucks, Hand and Hand Truck Bodies" from \$34.30 per ton W/M and \$32.00 per ton W/M, respectively to \$37.16 and \$34.86, respectively.

The following proposed amendments do not involve changes in rates:

(1) Change Item No. 320 to read Item No. 520.

(2) Change Items Nos. 780 and 785 to read Items Nos. 786 and 787, respectively.

(3) Add Items Nos. 1371, 1821 and 1846 to their respective articles.

(4) Add the term "WT" to Item No. 450.

(5) Delete Item No. 1245 from "Oil viz: Cotton seed."

(6) Delete Item No. 1315 from "Paper and Paper Products, viz" and add Item No. 1316 thereto.

It further appearing that the effect of such changes is to correct clerical or typographical errors; and

It further appearing that the Board having found good cause therefor has on November 5, 1959, granted special permission to publish such changes on not less than one day's notice under Special Permission No. 3790;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3790; and

It is further ordered, That the rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon Matson Navigation Company, American President Lines, Ltd., Isthmian Lines Inc., The Oceanic Steamship Company, United States Lines Company, Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference and upon all protestants herein; and that copies of this order be published in the FEDERAL REGISTER.

EIGHTH SUPPLEMENTAL ORDER

It appearing that, by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between the Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959.

It further appearing that Fourth Supplemental Order in Docket 869, served October 13, 1959, made the participating carriers in Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent; Freight Tariff F.M.B.-F. No. 20 respondents in subject docket; and

It further appearing that said Supplemental Order provided in part that no change should be made in the rates, charges, regulations and practices stated in said schedule until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board, and

It further appearing that on October 19, 1959, by Application No. 12, filed on behalf of the carriers participating in the aforesaid schedule, request was made for special permission authority to file the following new rates in said schedule, said changes to be effective on not less than one day's notice:

	Basis	Group A	Group B
Rotary Kiln and Ball Mills, Parts, viz: Kiln Tires, Rollers, Slide Shoe Castings, Symetro Gear, Clinker Cooler, Dust Chamber, and Kiln Hood-----	W/M	\$32.00	\$32.00

NOTE 1: Weights, measurements and identifications to be furnished by shipper in writing prior to loading into Carrier's vessels. Heavy Lift Charges will be assessed at 50 percent of the charges shown in Rule No. 9 and Rule No. 8 is not applicable.

NOTE 2: Unless sooner extended or modified rate expires with March 31, 1960.

It further appearing that the Board having found good cause therefor has on November 5, 1959, granted special permission to publish such changes on not less than one day's notice under Special Permission No. 3791;

It is ordered, That the Order herein as supplemented is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3791; and

It is further ordered, That the rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company, United States Lines Company, Lykes Brothers Steamship Company, Inc., Waterman Steamship Corporation and Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference and upon all protestants herein; and that copies of this Order be published in the FEDERAL REGISTER. By order of the Federal Maritime Board.

Dated: November 20, 1959.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-9965; Filed, Nov. 24, 1959; 8:48 a.m.]

ROLLA E. CHANDLER,
Officer - in - Charge, Southern
Field Group, Los Angeles,
California.

[F.R. Doc. 59-9950; Filed, Nov. 24, 1959; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 13, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 028983, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, picnic grounds, rest area, recreation area, lookout, and administrative sites located in the Arapaho, Gunnison, Pike, Roosevelt, Rio Grande and San-Juan National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

Meadow Creek Campground

T. 1 N., R. 75 W.,
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totalling 40 acres.

Western Box Campground

T. 1 N., R. 75 W.,
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.
Totalling 70 acres.

Junco Campground

T. 1 N., R. 74 W.,
Sec. 18, lots 3 and 4.
T. 1 N., R. 75 W.,
Sec. 13, SE $\frac{1}{4}$.
Totalling 240.93 acres.

Indian Peaks Campground

T. 2 N., R. 74 W.,
Sec. 30, lots 3 and 4 and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, lot 1.
Totalling 143.09 acres.

Empire Administrative Site

T. 3 S., R. 75 W. (plat suspended),
A tract of land in the N $\frac{1}{2}$ of section 25; beginning at corner No. 1 from which the NW corner of sec. 30, T. 3 S., R. 74 W. bears N. 53° E., 1390 ft.
From corner No. 1, by metes and bounds,
S. 86°30' W., 10.91 chs., to corner No. 2;
S. 26° W., 2.43 chs., to corner No. 3;
S. 63° W., 14.38 chs., to corner No. 4;
South, 9.46 chs., to corner No. 5;
N. 75°30' E., 10.30 chs., to corner No. 6;
N. 53° E., 13.40 chs., to corner No. 7;
N. 70°30' E., 4.30 chs., to corner No. 8;

North, 6.74 chs., to corner No. 1,
the place of beginning.
The tract as described contains 24.34
acres.

Idlewild Administrative Site

T. 2 S., R. 75 W. (plat suspended).
A tract of land in the N½ of section 10;
beginning at corner No. 1, which is identical
with corner No. 1 of Homestead Entry Survey
No. 117 from which the SE corner of sec. 34,
T. 1 S., R. 75 W. bears N. 25°16' E., 99.14 chs.
From corner No. 1, by metes and bounds,
S. 14° W., 2.60 chs., to corner No. 2;
S. 4°22' E., 11.00 chs., to corner No. 3;
S. 19° E., 1.59 chs., to corner No. 4;
West, 24.84 chs., to corner No. 5;
North, 14.80 chs., to corner No. 6;
East, 24.39 chs., to corner No. 1;
the place of beginning.
The tract as described contains 35.6
acres.

Horseshoe Administrative Site (Addition)

T. 2 S., R. 78 W. (plat suspended).
A tract of land in sections 3 and 10; be-
ginning at corner No. O, which is identical
with the south quarter corner of section 34,
T. 1 S., R. 78 W.
From corner No. O, by metes and bounds,
South, 70 chs., to corner No. 1;
West, 20 chs., to corner No. 2;
North, 40 chs., to corner No. 3;
N. 20° W., 25.16 chs., to corner No. 4;
N. 53° E., 10.81 chs., to corner No. 5;
East, 20.00 chs., to corner No. O,
the place of beginning.
The tract as described contains 153
acres, approximately.

Gilsonite Administrative Site

T. 4 N., R. 78 W. (Independent Resurvey),
Sec. 13, N½ of lot 1, S½NE¼ and N½
NW¼SE¼.
Totaling 118.46 acres.

Squaw Mountain Lookout

T. 4 S., R. 72 W.,
Sec. 19, SE¼S½ of lot 5 and SW¼S½ of
lot 6;
Sec. 30, NW¼N½ of lot 1 and NE¼N½ of
lot 2.
Totaling 40 acres.

Soda Creek Administrative Site

T. 4 S., R. 73 W.,
Sec. 10, SW¼NW¼ and N½NW¼SW¼.
Totaling 60 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

GUNNISON NATIONAL FOREST

Long Branch Administrative Site

T. 48 N., R. 5 E.,
Sec. 34, lot 5 and SW¼ of lot 6.
T. 47 N., R. 5 E.,
Sec. 3, lot 4, W½ of lot 3 and NW¼SW¼
NW¼;
Sec. 4, NE¼SE¼NE¼.
Totaling 123.53 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Smith Fork Campground

T. 15 S., R. 91 W.,
Sec. 24, SE¼NW¼SW¼SE¼ and NE¼
SW¼SW¼SE¼.
Totaling 5 acres.

Dinner Station Campground

T. 13 S., R. 82 W.,
Sec. 18, S½SE¼SW¼;
Sec. 19, NE¼NW¼, E½SE¼NW¼, W½
W½NE¼ and NE¼SW¼NE¼.
Totaling 130 acres.

Lake Irwin Campground

T. 13 S., R. 87 W. (Unsurveyed), when sur-
veyed will be:

Sec. 34, E½SW¼NW¼, W½SE¼NW¼,
SE¼SE¼NW¼, E½NW¼SW¼, NE¼
SW¼SW¼, NE¼SW¼ and NW¼SE¼
SW¼.
Totaling 130 acres more or less.

Taylor Park Administrative Site

T. 14 S., R. 82 W.,
Sec. 10, W½SE¼ and SW¼;
Sec. 15, N½NW¼NW¼.
Totaling 260 acres.

Anthracite Administrative Site

T. 13 S., R. 88 W.,
Sec. 6, Tract A, Exchange Survey No. 366.
Totaling 34.08 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Pulver Mountain Campground

T. 12 S., R. 72 W.,
Sec. 10, N½.
Totaling 320 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

Trujillo Meadows Campground

T. 32 N., R. 5 E.,
Sec. 5, W½ of lot 2, lot 3, E½ of lot 4,
NE¼SW¼NW¼ and N½SE¼NW¼.
Totaling 111.04 acres.

La Manga Campground

T. 33 N., R. 5 E.,
Sec. 1, S½SW¼SW¼;
Sec. 12, NW¼NW¼.
Totaling 60 acres.

Aspen Glade Campground

T. 33 N., R. 6 E.,
Sec. 26, S½NE¼NE¼ and SE¼NW¼NE¼.
Totaling 30 acres.

Road Canyon Campground

T. 40 N., R. 3 W.,
Sec. 4, SE¼NE¼ and N½NE¼SE¼.
Totaling 60 acres.

Rito Hondo Camp and Picnic Ground

T. 42 N., R. 3 W.,
Sec. 15, SE¼SE¼SW¼, S½SW¼SE¼ and
SW¼SE¼SE¼;
Sec. 22, W½E½NE¼, W½NE¼ and
E½E½NW¼.
Totaling 200 acres.

Stone Cellar Campground

T. 43 N., R. 3 E.,
Sec. 6, lot 1 and N½SE¼NE¼.
Totaling 60.14 acres.

Big Springs Picnic Ground

T. 44 N., R. 3 E.,
Sec. 18, NE¼NE¼.
Totaling 40 acres.

North Crestone Campground

T. 44 N., R. 12 E.,
Sec. 31, NE¼SE¼NE¼, S½SE¼NE¼ and
N½NE¼SE¼;
Sec. 32, SW¼NW¼ and N½NW¼SW¼.
Totaling 110 acres.

Luders Creek Campground

T. 45 N., R. 3 E.,
Sec. 1, NE¼SE¼ and NE¼SE¼SE¼.
T. 45 N., R. 4 E.,
Sec. 6, W½NW¼SW¼ and NW¼SW¼
SW¼.
Totaling 80 acres.

Alamosa Administrative Site

T. 36 N., R. 5 E.,
Sec. 11, lots 2 to 5, inclusive, and S½N½
NW¼.
Totaling 171.20 acres.

Platoro Administrative Site Addition

T. 36 N., R. 4 E.,
Sec. 23, SE¼NW¼.
Totaling 40 acres.

Alder Administrative Site Addition

T. 40 N., R. 3 E.,
Sec. 22, W½NW¼SW¼.
Totaling 20 acres.

Geronimo Administrative Site

T. 42 N., R. 5 E.,
Sec. 19, NW¼SE¼ and NE¼SE¼.
Totaling 80 acres.

Carnero Administrative Site Addition

T. 43 N., R. 5 E.,
Sec. 9, NW¼NE¼.
Totaling 40 acres.

River Springs Administrative Site

T. 33 N., R. 6 E.,
Sec. 25, lot 2, S½NW¼NE¼, SE¼NW¼,
SW¼NW¼, S½NE¼NW¼ and S½NW¼
NW¼;
Sec. 26, lot 4, SE¼NE¼ and SW¼NE¼.
Totaling 274.16 acres.

Wason Administrative Site

T. 41 N., R. 1 E.,
Sec. 5, NE¼SE¼.
Totaling 40 acres.

Bristol View Administrative Site Addition

T. 41 N., R. 3 W.,
Sec. 27, E½NW¼NE¼, NE¼SW¼NE¼ and
W½NE¼NE¼.
Totaling 50 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Mosca Pass Campground

T. 27 S., R. 72 W.,
Sec. 5, S½S½NE¼ and N½N½SE¼.
Totaling 80 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Trail Creek Campground

T. 11 N., R. 73 W.,
Sec. 12, NE¼.
Totaling 160 acres.

Sheep Creek Campground Extension

T. 11 N., R. 74 W.,
Sec. 12, SW¼SE¼, W½SE¼SE¼ and
S½SE¼SE¼SE¼.
Totaling 65 acres.

Mt. Meeker Campground Extension

T. 3 N., R. 73 W.,
Sec. 11, SW¼NW¼ and N½SW¼.
Totaling 120 acres.

Muggins Gulch Picnic Ground

T. 4 N., R. 72 W.,
Sec. 12, SW¼SW¼ and W½SE¼SW¼.
Totaling 60 acres.

Lion Gulch Picnic Ground

T. 4 N., R. 72 W.,
Sec. 13, S½NW¼NE¼, SW¼NE¼, W½
SE¼NE¼, S½NE¼NW¼ and N½SE¼
NW¼.
Totaling 120 acres.

Fourth-of-July Campground

T. 1 S., R. 74 W.,
Sec. 2, lot 3.
Totaling 44.45 acres.

Big Bend Campground

T. 8 N., R. 75 W.,
Sec. 33: S½NW¼NW¼, SW¼NW¼ and
W½SE¼NW¼.
Totaling 80 acres.

NOTICES

Buckhorn Picnic Ground

T. 7 N., R. 72 W.,
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$.
Totalling 20 acres.

Twin Lake Campground

T. 7 N., R. 73 W.,
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$.
Totalling 80 acres.

Peak-to-Peak Campground

T. 2 N., R. 72 W.,
Sec. 20, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totalling 40 acres.

Peak View Picnic Ground

T. 2 N., R. 72 W.,
Sec. 32, lot 3.
Totalling 35.04 acres.

Mishewaka Roadside Rest Area

T. 8 N., R. 71 W.,
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$.
Totalling 80 acres.

Zimmerman Lake Recreation Area

T. 7 N., R. 76 W.,
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Totalling 100 acres.

Devils Gulch Picnic Area

T. 5 N., R. 72 W.,
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totalling 40 acres.

Left-Hand Canyon Picnic Ground

T. 1 N., R. 72 W.,
Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Totalling 40 acres.

Spruce Glen Campground

T. 9 N., R. 74 W.,
Sec. 30, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totalling 80 acres.

Buckhorn Ranger Station Administrative Site

T. 7 N., R. 72 W.,
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$.
Totalling 90 acres.

Stub Creek Ranger Station Administrative Site

T. 10 N., R. 76 W.,
Sec. 34, lots 7, 8, 10 and 15.
Totalling 177.51 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

South Mineral Campground

T. 41 N., R. 8 W.,
A tract of land in unsurveyed section 20; beginning at corner No. 1, which is the center of Ice Lake-Clear Lake Creek bridge on the South Mineral Creek San Juan County Road from which V.A.B.M. 13661 Lookout Peak bears N. 3°20' W., 20,117 ft. and V.A.B.M. 13066 Kendall No. 2 bears S. 82°55' E., 38,940 ft.

From corner No. 1, by metes and bounds.
S. 40° W., 423 ft., to corner No. 2;
S. 30° E., 396 ft., to corner No. 3;
S. 52° E., 307 ft., to corner No. 4;
S. 74° E., 785 ft., to corner No. 5;
N. 36° E., 845 ft., to corner No. 6;
N. 54° W., 330 ft., to corner No. 7;
N. 64° W., 520 ft., to corner No. 8;
S. 85° W., 688 ft., to corner No. 1,
the place of beginning.

The tract as described contains approximately 29 acres.

The above described areas in Arapaho, Gunnison, Pike, Roosevelt, Rio Grande

and San Juan National Forests aggregate approximately 4,934 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-9951; Filed, Nov. 24, 1959;
8:46 a.m.]

Office of the Secretary

[Order 2843]

JURISDICTION OVER CERTAIN LANDS TRANSFERRED FROM DEPARTMENT OF AGRICULTURE TO DEPARTMENT OF THE INTERIOR

SECTION 1. *Purpose.* This order provides for the transfer of jurisdiction over the following-described lands in California, Montana, New Mexico, and Texas which, by Executive Order 10787, dated November 6, 1958 (23 F.R. 8717), were transferred from the Department of Agriculture to the Department of the Interior for use, administration, or exchange under the Taylor Grazing Act (48 Stat. 1269) as amended, and other statutes.

SEC. 2. *Lands to be administered by the Bureau of Land Management.* Subject to the conditions and provisions of Executive Order 10787, jurisdiction of the lands described below is transferred to the Bureau of Land Management for use, administration, or exchange under the above statute, as amended, or under the general land-management authority of the Secretary of the Interior, including the authority to grant licenses and easements, upon such terms as the Director, Bureau of Land Management, may deem reasonable, and in accordance with appropriate regulations.

MONTANA

Buffalo Creek Project (MT-LU-23), Yellowstone County, containing approximately 73,717 acres.

Central Montana Project (MT-LU-22), Fergus County, containing approximately 101,590 acres, and excluding the lands described in section 3, below.

Kinsey Land Use Project (MT-LU-24), Custer County, containing approximately 15,674 acres.

Lower Yellowstone Project (MT-LU-4), Prairie County, containing approximately 391,933 acres.

Milk River Land Project (MT-LU-2), Blaine, Phillips, and Valley Counties, containing approximately 948,627 acres, and excluding the lands described in sections 3 and 4(d), below.

Musselshell Project (MT-LU-3), Musselshell and Petroleum Counties, containing approximately 252,589 acres, and excluding the lands described in section 4 (c) and (e), below.

Southeast Montana Project (MT-LU-21), Custer and Fallon Counties, containing approximately 129,765 acres.

NEW MEXICO

To the extent indicated, the lands administered under Title III of the Bankhead-Jones Farm Tenant Act in connection with the following-described land utilization projects:

Hope Land Project (NM-LU-4), Eddy County, all lands comprising the said project, containing approximately 12,773 acres.

Cuba-Rio Puerco Project (NM-LU-22), Sandoval and McKinley Counties, except the

NE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 19, and the NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 20, T. 21 N., R. 1 W., New Mexico Principal Meridian, and that portion of the Espiritu Santo Grant covered by the Act of August 2, 1956 (70 Stat. 941), the area over which jurisdiction is transferred, containing approximately 193,350 acres.

Northern New Mexico Grant Lands Project (NM-LU-25), Rio Arriba and Taos Counties, those parts of the said project described as follows:

(a) The westerly two-thirds of the Sebastian Martin Grant, the east boundary being a line that would be a northerly extension of the westerly boundary of that portion of the Carson National Forest as it exists immediately to the south of the Grant; and

NEW MEXICO PRINCIPAL MERIDIAN

(b) T. 21 N., R. 7 E.

Sec. 15, S $\frac{1}{2}$;

Sec. 29, N $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, S $\frac{1}{2}$;

Sec. 32, NW $\frac{1}{4}$.

containing approximately 32,880 acres.

SEC. 3. *Joint administration, Bureau of Land Management and Bureau of Sport Fisheries and Wildlife.* Subject to the conditions and provisions of Executive Order 10787, jurisdiction over the lands described below is hereby transferred to the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management for joint use and administration under the Taylor Grazing Act (48 Stat. 1269) as amended, and other applicable laws as an addition to the Fort Peck Game Range:

CENTRAL MONTANA PROJECT (MT-LU-22),
FERGUS COUNTY

MONTANA PRINCIPAL MERIDIAN

T. 21 N., R. 23 E.,
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 21 N., R. 24 E.,
Sec. 6, lots 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, S $\frac{1}{2}$;
Sec. 18, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

MILK RIVER LAND PROJECT (MT-LU-2),
PHILLIPS AND VALLEY COUNTIES

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 28 E.,
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 23 N., R. 35 E.,
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$
SE $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 N., R. 35 E.,
Sec. 3, lots 5, 11 and 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, lots 5 to 12, inclusive, SW $\frac{1}{4}$, N $\frac{1}{2}$
SE $\frac{1}{4}$;
Sec. 5, lots 9, 10, and 11, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

SEC. 4. *Lands to be administered by the Bureau of Sport Fisheries and Wildlife.* Subject to the conditions and provisions of Executive Order 10787, jurisdiction over the lands described below is hereby transferred to the Bureau of Sport Fisheries and Wildlife for use and administration under applicable laws as refuges for migratory birds and other wildlife:

CALIFORNIA

(a) San Joaquin Project (CF-LU-21), Tulare County, except all of sec. 5 and the

E $\frac{1}{2}$ E $\frac{1}{2}$, sec. 6, T. 23 S., R. 24 E., Mount Diablo Meridian, the excepted area containing approximately 800 acres, and the area over which jurisdiction is transferred containing approximately 4,357 acres. The above-described lands will be administered as the Pixley National Wildlife Refuge.

TEXAS

(b) Tierra Blanca Project (TX-LU-21), Randall County, containing approximately 7,677 acres. These lands will be administered as the Buffalo Lakes National Wildlife Refuge.

MONTANA

(c) Musselshell Project (MT-LU-3), Musselshell County.

MONTANA PRINCIPAL MERIDIAN

- T. 9 N., R. 24 E.,
 Sec. 10, SW $\frac{1}{4}$;
 Sec. 9, S $\frac{1}{2}$;
 Sec. 15, N $\frac{1}{2}$;
 Sec. 17, NE $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$;
 Sec. 24, SE $\frac{1}{4}$;
 Sec. 25, NE $\frac{1}{4}$;
 Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 27, all;
 T. 10 N., R. 24 E.,
 Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$;
 Sec. 33, all;
 T. 11 N., R. 22 E.,
 Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE pt. of NW $\frac{1}{4}$ (tract 5705);
 Sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 T. 11 N., R. 23 E.,
 Sec. 1, all;
 Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, SE $\frac{1}{4}$;
 Sec. 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 14, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$;
 Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 30, all;
 Sec. 31, all;
 Sec. 32, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The above-described lands will be administered as an addition to the Lake Mason National Wildlife Refuge.

(d) Milk River Land Project (MT-LU-2), Phillips County.

MONTANA PRINCIPAL MERIDIAN

- T. 32 N., R. 32 E.,
 Sec. 18, S $\frac{1}{2}$.

The above-described land will be administered as an addition to the Hewitt Lake National Wildlife Refuge.

(e) Musselshell Project (MT-LU-3), Petroleum County.

No. 230—4

MONTANA PRINCIPAL MERIDIAN

- T. 13 N., R. 25 E.,
 Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 T. 13 N., R. 26 E.,
 Sec. 5, NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 6, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 18, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 T. 16 N., R. 25 E.,
 Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$;
 Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 33, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$.

The above-described lands will be administered for national wildlife refuge purposes in the War Horse Lake, Wild Horse Lake, and Yellow Water Reservoir areas.

SEC. 5. *Cooperative agreement.* The grazing resources on the areas described in section 4 (c) and (e), above, may be administered by the Bureau of Land Management under cooperative agreement.

SEC. 6. *Records, improvements, and appurtenances.* The title and use records, water or water rights, improvements, appurtenances, and structures acquired, constructed, or used in connection with the use and administration of lands described in sections 2, 3 and 4 above are hereby transferred to the respective Bureaus, provided that the transfer of jurisdiction over those lands that are in process of acquisition shall take effect upon the completion of acquisition thereof by the Secretary of Agriculture, as provided in Executive Order 10787.

SEC. 7. *Revenues.* Twenty-five percent of the net revenues received by the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife from grazing and other uses of the transferred land shall continue to be paid to the counties in which such lands are located for the purposes specified in section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012), in lieu of payments therefrom to the States or counties at the rates specified in section 10 of the Taylor Grazing Act (43 U.S.C. 315i), or in any other act under which the transferred lands will be used and administered under this order.

FRED A. SEATON,
 Secretary of the Interior.

NOVEMBER 17, 1959.

[F.R. Doc. 59-9952; Filed, Nov. 24, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 10965, 10966]

COMPAGNIE NATIONALE AIR
FRANCE

Notice of Hearing

In the matter of the applications of Compagnie Nationale Air France for certain air carrier permits and for amend-

ment of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, and the Air Transport Services Agreement between United States and France of March 27, 1946, as amended, Dockets 10965 and 10966.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on December 14, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., November 19, 1959.

[SEAL]

FRANCIS W. BROWN,
 Chief Examiner.

[F.R. Doc. 59-9967; Filed, Nov. 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 9401 etc.; FCC 59-1166]

CANNON SYSTEM, LTD. (KIEV) ET AL.

Memorandum Opinion and Order
Amending Issues

In re applications of Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP-7260; Robert D. Lamb and Charles R. Dooley d/b as Southland Communications Co., Anaheim, California, Docket No. 12641, File No. BP-10725; Donald C. McBain, Howard C. Hoegsted, George W. Irwin and Arthur B. Baling d/b as Upland Broadcasting Company, Upland, California, Docket No. 12645, File No. BP-11942; Robert Burdette & Associates, Inc., West Covina, California, Docket No. 12689, File No. BP-12471; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues and reopen record filed September 28, 1959, by Donald C. McBain, Howard G. Hoegsted, George W. Irwin, and Arthur B. Baling d/b as Upland Broadcasting Company (Upland), oppositions thereto filed October 12, 1959, by the Commission's Broadcast Bureau (Bureau), and Robert Burdette & Associates, Inc. (Burdette), and a reply to the oppositions filed October 23, 1959, by Upland.

2. The applications of Upland and Burdette for construction permits for new standard broadcast stations at Upland and West Covina, California, respectively, were designated for consolidated hearing with several other applications by Orders, released November 3, 1958 (FCC 58-1020) and December 2, 1958 (FCC 58-1133). The Burdette application requested authority to operate on 900 kc, 500 w, DA-D. On December 22, 1958, Upland filed a petition to enlarge the issues to determine whether the Burdette proposal contravenes the Proposed Agreement between Mexico and the United States Concerning Radio Broadcasting in the Standard Broadcast Band (hereinafter referred to as U.S.-Mexican Agreement), and whether such proposal would cause interference to an

existing station. Thereafter, on February 20, 1959, Burdette filed a petition to amend its application to decrease its power from 500 watts to 250 watts for the purpose of making its proposal consistent with the U.S.-Mexican Agreement. The petition to amend, which was opposed by Upland as untimely, was granted by the Examiner and a petition for review of the Examiner's action filed by Upland was denied by Memorandum Opinion and Order (FCC 59-789) released August 3, 1959. A Commission Order (FCC 59-790) released the same day, dismissed Upland's petition to enlarge issues for the reason that Burdette's amended proposal eliminates the basis of Upland's request.

3. In its petition filed September 28, 1959, Upland requests enlargement of the issues to determine whether Burdette's amended proposal is consistent with the U.S.-Mexican Agreement. In support of its request, Upland points out that field intensity measurements utilized by Burdette in its amended proposal to establish conductivity in the direction of Mexico over a certain arc were not made from the Burdette transmitter site or even from a point on a line passing through Burdette's West Covina site; measurements were instead taken along radials from two stations in Pasadena (approximately ten miles northwest of Burdette's site) which passed a few miles (4 and 5.1 miles) west of Burdette's site. Upland states that such measurements are inadequate, and that if values based on the Commission's ground conductivity map M-3 are utilized, the maximum expected operating value of radiation from the Burdette site will produce a signal in excess of the 5 micro-volts per meter allowable under the U.S.-Mexican Agreement. Upland supports its contentions with an engineering affidavit. With reference to the timeliness of its petition, Upland states that it was filed as soon as practicable after completion of a study of the amended proposal by its engineer which was undertaken immediately after the Commission denied the petition for review of the Examiner's grant of the Burdette amendment.

4. Both the Bureau and Burdette urge that the petition be denied as untimely. In addition, Burdette argues that its field intensity measurements are consistent with good engineering practice and that the radials traversed substantially the same terrain as required by § 3.183 of the Commission's rules relating to ground conductivity measurements. Burdette supports these contentions with an engineering affidavit.

5. The Commission is of the opinion that Upland's petition is untimely and should for that reason be denied. There is clearly no showing of diligence. Instead of raising the issue as to the sufficiency of the amendment to accomplish its purpose when it was filed, Upland chose to attack it only on procedural grounds. Upland's additional argument that it relied on the Commission to detect the alleged insufficiency in Burdette's measurements is entitled to no weight. The duty was on Upland to present all grounds of opposition to the petition to

amend so that the hearing would not be delayed.

6. While the Commission finds the Upland petition untimely, it nevertheless believes that an issue with reference to consistency with the U.S.-Mexican Agreement should be added. The field intensity measurements submitted by Burdette were made from sites several miles removed from the proposed Burdette site, and, moreover, do not indicate uniform conductivities over the measured paths. Where measurements indicate different values of conductivity, the conductivity beyond the first discontinuity cannot be precisely determined. In the instance now under consideration, compliance with the U.S.-Mexican Agreement hinges on a small difference between the measured conductivity and that indicated by the Commission's map. Consequently, a valid conclusion, based on the information now before the Commission, cannot be reached that the proposed Burdette operation is consistent with the U.S.-Mexican Agreement.

Accordingly, it is ordered, This 18th day of November 1959, That the petition to enlarge issues and reopen the record, filed September 28, 1959, by Upland Broadcasting Company is denied:

It is further ordered, On the Commission's own motion, that the record is reopened and that the issues in this proceeding are amended by renumbering Issues 12 and 13 as 13 and 14, respectively, and by adding the following Issue 12:

12. To determine whether the proposed operation of Robert Burdette and Associates, Inc., is in contravention of the proposed Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D.F. 1957.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9968; Filed, Nov. 24, 1959;
8:48 a.m.]

[Docket Nos. 12710, 12748; FCC 59M-1558]

COMMODITY NEWS SERVICE, INC.,
ET AL.

Order Scheduling Prehearing Conference

In the matter of Commodity News Services, Inc., complainant, v. The Western Union Telegraph Company, defendant, Docket No. 12710; and in the matter of The Board of Trade of the City of Chicago, complainant, v. The Western Union Telegraph Company, defendant, Docket No. 12748.

It is ordered, This 19th day of November 1959, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., December 4, 1959,

in the Commission's offices in Washington, D.C.

Released: November 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9969; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket No. 13178; FCC 59M-1564]

W. D. COONS AND A. E. MOORER Order Continuing Hearing

In the matter of W. D. Coons and A. E. Moorer, Indian Street, Mount Pleasant, South Carolina, Docket No. 13178; order to show cause why there should not be revoked the license for Radio Station WH-5445, aboard the vessel "Barbara Lee".

The Hearing Examiner having under consideration the pleading titled "Petition for Acceptance of the Late Filing of a Statement in Justification and Mitigation" submitted in the above-entitled proceeding on November 18, 1959 by respondent;

It appearing, that by said pleading petitioner seeks leave to file late a notice of appearance and has tendered with said petition a notice of appearance wherein leave is requested to effect appearance through the waiver of hearing provisions of § 1.62 of the Commission's rules;

It further appearing, that the Commission's Special and Safety Radio Services Bureau has consented to immediate consideration and grant of the said petition and for the reasons set forth therein good cause for a grant has been shown;

It is ordered, This 19th day of November 1959 that the said petition is granted and the notice of appearance tendered therewith is accepted;

It is further ordered, That the hearing proceeding herein presently scheduled to commence on November 25, 1959, is, on the Hearing Examiner's own motion, continued without date.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9970; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket No. 13151; FCC 59M-1566]

MICHAEL J. DESAUTELS Order Cancelling Hearing

In the matter of Michael J. Desautels, 200 Grove Street, Burlington, Vermont, Docket No. 13151, order to show cause why there should not be revoked the license for Citizens Radio Station 1WO584.

The Hearing Examiner having under consideration a "Motion to Cancel Hearing and Issue an Initial Decision and

Revocation Order" filed on November 12, 1959, in the above-entitled proceeding by the Chief, Safety and Special Radio Services Bureau;

It appearing, that Michael J. Desautels has failed and neglected to enter an appearance in this proceeding or to respond to any of the Commission's official communications and, therefore, no useful purpose would be served by the holding of a hearing herein;

Accordingly, it is ordered, This 19th day of November 1959, that the motion is granted insofar as it relates to the cancellation of said hearing, and the hearing now scheduled for November 23, 1959, Be, and the same is, hereby cancelled.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9971; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket No. 12068 etc.; FCC 59M-1557]

**FLORENCE BROADCASTING CO.,
INC., ET AL.**

Order Setting Prehearing Conference

In re applications of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; F. E. Lackey, Pierce E. Lackey and William Ellis Wilson, d/b as Richmond Broadcasting Company, Centerville, Indiana, Docket No. 13223, File No. BP-11625; Charles H. Champlain, Urbana, Ohio, Docket No. 13224, File No. BP-11736; Guilford Advertising, Inc. (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP-11742; Mt. Vernon Radio and Television Company (WMIX), Mt. Vernon, Illinois, Docket No. 13226, File No. BP-11829; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; M. M. Lawrence and Ruel O. Thomas, d/b as Lake Cumberland Broadcasting Company, Jamestown, Kentucky, Docket No. 13228, File No. BP-12213; Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Docket No. 13229, File No. BP-12228; Sam Kamin and James A. Howenstine, d/b as Citizens Broadcasting Company, Lima, Ohio, Docket No. 13230, File No. BP-12319; Virginia-Kentucky Broadcasting Company, Incorporated (WNRG), Grundy, Virginia, Docket No. 13231, File No. BP-12326; J. B. Crawley, R. L. Turner, W. B. Kelly and Dean Harden, d/b as Shelby Broadcasting Company, Shelbyville, Kentucky, Docket No. 13232, File No. BP-12352; Richard M. Pomeroy and Bessie M. Pomeroy, d/b as Radio 940, South Haven, Michigan, Docket No. 13233, File No. BP-12373; William E. Bennis, Jr. and Barbara Bennis, d/b as East Virginia Broadcasting Co., Smithfield, Virginia, Docket No. 13234, File No. BP-12384; Robin H. Mathis, Ralph C.

Mathis, Rad W. Mathis & John B. Skelton, Jr., d/b as WCPC Broadcasting Company (WCPC), Houston, Mississippi, Docket No. 13235, File No. BP-12420; Cape Fear Broadcasting Company (WFNC), Fayetteville, North Carolina, Docket No. 13236, File No. BP-12485; W.L.K.Y., Inc., Lexington, Kentucky, Docket No. 13237, File No. BP-12498; Radio Associates, Inc., Potomac, Maryland, Docket No. 13238, File No. BP-12587; Miami Valley Christian Broadcasting Association, Incorporated, Miamisburg, Ohio, Docket No. 13239, File No. BP-12640; Tri-Cities Radio Corporation, Bristol, Virginia, Docket No. 13240, File No. BP-12724; Charles F. Trivette and Herman G. Dotson, d/b as Western Ohio Broadcasting Co., Delphos, Ohio, Docket No. 13241, File No. BP-12779; Raymond I. Kandel and Gus Zaharis, Zanesville, Ohio, Docket No. 13242, File No. BP-12812; The Tidewater Broadcasting Company, Incorporated, Smithfield, Virginia, Docket No. 13243, File No. BP-12814; Greater District Broadcasting Company, Takoma Park, Maryland, Docket No. 13244, File No. BP-12924; Caba Broadcasting Corporation, Baltimore, Maryland, Docket No. 13245, File No. BP-12962; Continental Broadcasting Company, Cincinnati, Ohio, Docket No. 13246, File No. BP-13088; Rossmoyne Corporation, Lebanon, Pennsylvania, Docket No. 13247, File No. BP-13110; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; Clarence C. Moore, tr/as Fort Wayne Broadcasting Company, Fort Wayne, Indiana, Docket No. 13249, File No. BP-13120; Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, Docket No. 13250, File No. BP-13150; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Co., McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

It is ordered, This 19th day of November 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 a.m., December 11, 1959, for the purpose of considering, but not limited to, the following matters:

- (1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
- (2) The possibility of stipulating with respect to facts;
- (3) The procedure at the hearing;
- (4) The limitation of the number of witnesses; and
- (5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: November 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9972; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket Nos. 13266-13270]

**MONTANA-IDAHO MICROWAVE,
INC.**

Correction

In re applications of Montana-Idaho Microwave, Inc., Bozeman, Montana: For construction permit for new fixed radio station near Pocatello, Idaho, Docket No. 13266, File No. 413-C1-P-60, Call Sign KPJ33; for construction permit for new fixed radio station near Monida Pass, Idaho, Docket No. 13267, File No. 414-C1-P-60, Call Sign KPJ34; for construction permit for new fixed radio station near Armstead, Montana, Docket No. 13268, File No. 415-C1-P-60, Call Sign KPJ35; for construction permit for new fixed radio station near Whitehall, Montana, Docket No. 13269, File No. 416-C1-P-60, Call Sign KPJ36; for construction permit for new fixed radio station near Bozeman Pass, Montana, Docket No. 13270, File No. 417-C1-P-60, Call Sign KPJ37.

The caption in the Commission's Memorandum Opinion and Order, (FCC 59-1153), adopted November 12, 1959, and released November 17, 1959 in the above docketed proceedings is corrected to delete all reference to File Nos. 922 through 926-C1-MP-60.

Released: November 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9973; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket No. 13265; FCC 59M-1561]

EARL A. WILLIAMS

**Order Scheduling Prehearing
Conference**

In the matter of application of Earl A. Williams, Docket No. 13265, File No. 2731-C2-P-59, Call Sign KEC929; for construction permit to establish a new one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Syracuse, New York.

It is ordered, This 19th day of November 1959, that a prehearing conference, under Rule 1.111, is scheduled for December 14, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9976; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket Nos. 13266-13270]

**MONTANA-IDAHO MICROWAVE,
INC.**

**Order Scheduling Prehearing
Conference**

In re applications of Montana-Idaho Microwave, Inc., Bozeman, Montana: For

contruction permit for new fixed radio station near Pocatello, Idaho, Docket No. 13266, File No. 413-C1-P-60, Call Sign KPJ33; for construction permit for new fixed radio station near Monida Pass, Idaho, Docket No. 13267, File No. 414-C1-P-60, Call Sign KPJ34; for construction permit for new fixed radio station near Armstead, Montana, Docket No. 13268, File No. 415-C1-P-60, Call Sign KPJ35; for construction permit for new fixed radio station near Whitehall, Montana, Docket No. 13269, File No. 416-C1-P-60, Call Sign KPJ36; for construction permit for new fixed radio station near Bozeman Pass, Montana, Docket No. 13270, File No. 417-C1-P-60, Call Sign KPJ37.

It is ordered, This 19th day of November 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Monday, December 14, 1959, in the offices of the Commission, Washington, D.C.

Released: November 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9974; Filed, Nov. 24, 1959;
8:49 a.m.]

[Docket No. 13150; FCC 59M-1565]

PATTERSON SHRIMP CO., INC.

Order Continuing Hearing

In the matter of Patterson Shrimp Company, Inc., P.O. Box 98, Patterson, Louisiana, Docket No. 13150; order to show cause why there should not be revoked the License for Radio Station WC-3826 aboard the vessel "Howard Rochel".

The Hearing Examiner having under consideration the pleading titled "Petition to Accept Late Filing" submitted in the above-entitled proceeding on November 17, 1959, by Patterson Shrimp Company, Inc.

It appearing, that by said pleading petitioner requests "time to enter its appearance at this late date" and an indefinite continuance of the hearing date to afford it opportunity to proceed under the waiver of hearing provisions of § 1.62 of the Commission's rules;

It appearing, that the Commission's Special and Safety Radio Services Bureau has consented to immediate consideration and grant of the said petition and for the reasons set forth therein good cause for a grant has been shown;

It is ordered, This 19th day of November 1959 that the said petition is granted, the notice of appearance tendered therewith is accepted, and the hearing proceeding herein presently scheduled to commence on November 23, 1959, is continued without date.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9975; Filed, Nov. 24, 1959;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2262]

CHUGACH ELECTRIC ASSOCIATION, INC.

Notice of Application for Preliminary Permit

NOVEMBER 19, 1959.

Public notice is hereby given that Chugach Electric Association, Inc., of Anchorage, Alaska, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for preliminary permit for proposed water-power Project No. 2262 to be located on Ptarmigan, Grant and Lower Trail Lakes and Falls Creek on Kenai Peninsula in the Third Judicial Division, Alaska, 52 air miles south-southeast of Anchorage and 24 air miles north of Seward; affecting lands of the United States within the Chugach National Forest; and to consist of (1) a dam at the outlet of Grant Lake 100 feet high and 900 feet long raising the normal lake elevation 70 feet and providing 150,000 acre-feet of usable power storage at maximum power pool elevation of 770 feet; (2) a dam at the outlet of Ptarmigan Lake raising the normal level to a maximum power pool at elevation 770 feet to correspond to the Grant Lake elevation and providing 20,000-acre-feet of usable power storage; (3) a dam at a point where an equalizing tunnel between Grant and Ptarmigan Lakes crosses Falls Creek, diverting water from that creek into the tunnel in the amount of approximately 35,000 acre-feet per year; and (4) a powerhouse on Lower Trail Lake containing two 9,000-kilowatt generating units (24,000 horsepower), connected by penstock to Grant Lake or a powerhouse with the same capacity located on the lower end of Lower Trail Lake connected by penstock to the tunnel which connects Grant Lake and Ptarmigan Lake.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 31, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9945; Filed, Nov. 24, 1959;
8:45 a.m.]

[Docket No. G-15483]

PETROLEUM LEASEHOLDS, INC.

Notice of Application and Date of Hearing

NOVEMBER 19, 1959.

Take notice that Petroleum Leaseholds, Inc. (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed an application in Docket No. G-15483 on July 14, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity for authorization to render service to Texas Eastern Transmission Corporation (Texas Eastern) from the West Weesatche Field, Goliad County, Texas, pursuant to the terms of two contracts dated September 1, 1953, as amended, between Howard S. Cole, Jr., et al., as sellers, and Wilcox Trend Gathering System, Inc. (now Texas Eastern)¹ as buyer, which contracts, as amended, were previously accepted for filing as Howard S. Cole, Jr. (Operator) et al. FPC Gas Rate Schedule Nos. 1 and 2, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states that by instruments of assignment dated April 1, 1958, the interests in the properties covered by the above described contracts, formerly owned by H. S. Cole, Jr., and all of the et al.² parties, except Leland Fikes, were assigned to Cole-Weesatche Corporation. Then by separate instrument of even date the properties were assigned to the Applicant. Applicant has succeeded H. S. Cole, Jr., as the Operator of such properties. The interests were acquired by Applicant subject to the above described contracts. Applicant proposes to continue to render the same service to Texas Eastern.

The application recites that by Commission order issued October 18, 1956, in Docket No. G-4642 Cole was authorized to render service to Texas Eastern from the acreage acquired by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the pro-

¹Texas Eastern subsequently absorbed Wilcox.

²"Et al." parties other than Leland Fikes are: H. N. Mallon, N. H. McElroy, L. N. Murray, J. B. O'Connor, Henry A. Sauer, F. E. Taplin, Mark Upson, F. K. Weyerhaeuser, Hannah Mallon Daniel, Edward & Company, R. L. Garner, W. M. Johnson, G. V. Leece, and Helen Catherine Mallon.

ceedings, pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9946; Filed, Nov. 24, 1959;
8:46 a.m.]

[Docket No. G-16837]

TEXACO INC.

Notice of Application and Date of Hearing

NOVEMBER 18, 1959.

Take notice that on October 29, 1958, Texaco Inc. (Applicant), formerly The Texas Company, filed in Docket No. G-16837 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Lone Star Gas Company (Lone Star) from Applicant's Hattie Harrell "A" Lease in the Doyle Field, Stephens County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract dated June 25, 1947, between Applicant, as seller, and Lone Star, as buyer, on file with the Commission as Texaco Inc. FPC Gas Rate Schedule No. 104.

Applicant was authorized to render service to Lone Star pursuant to the aforesaid contract by Commission order issued December 5, 1955, in Docket No. G-4824, which order also authorized service under other contracts not involved herein.

Applicant states that due to natural depletion, the subject well pressure has dropped below the line pressure maintained by Lone Star. The resultant failure by Lone Star to take gas has made the basic contract inoperative by its terms, and Applicant has filed notice of cancellation of same, dated October 17, 1958, which notice has been tentatively designated Supplement No. 1 to Texaco Inc. FPC Gas Rate Schedule No. 104.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Com-

mission's rules of practice and procedure, a hearing will be held on December 22, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9947; Filed, Nov. 24, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 297]

MOTOR CARRIER APPLICATIONS

NOVEMBER 20, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 25), filed October 8, 1959. Applicant: H. MESSICK, INC., P.O. Box 214, Duquesne and Newman Road, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Returned, rejected, and unused Class A and B explosives, blasting agents, blasting supplies and materials*, (1) from points in Montana to points in Jasper County, Mo.; (2) from points in Louisiana, Nebraska, Iowa, Texas, Oklahoma, Missouri, Kansas, and Arkansas, and Hobbs, N. Mex., and Collinsville, Ill., to the sites of the Hercules Powder Company plants, located about two (2) miles west of Webb City, Mo., and about five (5) miles southwest of Carthage, Mo.; (3) from points in South Dakota, North Dakota, Minnesota, Wisconsin, Michigan, and Illinois, to points in Jasper

County, Mo., and Turck, Kans.; and (4) from the site of an explosive magazine about five (5) miles east of Tatum, N. Mex., to the site of the Hercules Powder Company plant, about five (5) miles southwest of Carthage, Mo., and the site of the Hercules Powder Company explosive magazine about two (2) miles west of Webb City, Mo. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

HEARING: January 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harry Ross, Jr.

No. MC 671 (Sub No. 3), filed October 12, 1959. Applicant: OSCAR JACOBSON, Willis, Kans. Applicant's attorney: Floyd D. Strong, 1319 Huntoon, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and parts*, in minimum loads of 12,000 pounds, from Lacrosse, Wis., to points in Brown, Nemaha and Marshall Counties, Kans., and (2) *processed mill feeds and fertilizer*, dry, in bags, from Kansas City, Mo., to Everest, Kans., and points within a 10 mile radius of Everest. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: January 14, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner Raymond V. Sar.

No. MC 730 (Sub No. 163), filed November 16, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and chemical solutions*, in bulk, in tank vehicles, between points in Oregon and Washington, on the one hand, and, on the other, points in North Dakota, Wyoming, Colorado, and Nevada. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Iowa, Nebraska, Indiana, New Mexico, Oklahoma, and Wisconsin.

HEARING: December 14, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 3083 (Sub No. 32), filed November 9, 1959. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Charlotte, N. C., Jacksonville, Fla., Louisville, Ky., Little Rock, Ark., Memphis and Nashville, Tenn., New Orleans, La., Philadelphia, Pa., Richmond, Va., St. Louis, Mo., Washington, D.C., and Denver, Colo. Applicant is authorized to conduct operations in Georgia, Maryland,

Alabama, West Virginia, North Carolina, Florida, Louisiana, Pennsylvania, Virginia, Missouri, the District of Columbia, Kentucky, Tennessee, Arkansas, Mississippi, and South Carolina.

HEARING: December 16, 1959, at the Offices of The Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 10761 (Sub No. 89), filed October 30, 1959. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the site of the new Swift and Company plant near Rochelle, Ill., as an intermediate point in connection with applicant's authorized regular route operations between Chicago, Ill., and Jefferson, Iowa over Alternate U.S. Highway 30 and U.S. Highway 30. Applicant is authorized to conduct operations in Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, and Wisconsin.

HEARING: January 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 26907 (Sub No. 15), filed August 21, 1959. Applicant: RIPON TRUCKING CO., a Wisconsin corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, equipment, and supplies* as are used or useful in bakeries, from points in Ohio and Indiana, except those points in Indiana within the Chicago, Illinois, Commercial Zone as defined by the Commission, to Ripon, Wis. Applicant is authorized to conduct contract carrier operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, South Dakota, Pennsylvania, Nebraska, Kentucky, Tennessee, New York, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned No. MC 26907 (Sub No. 14).

HEARING: January 21, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 29566 (Sub No. 61), filed October 12, 1959. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Urea, ammonium nitrate and fertilizing compounds* (manufactured fertilizers), dry, in bulk, or in packages, (1) from Selma, Mo., and points in Missouri within 10 miles thereof, to points in Illinois, Iowa, Kansas, and Oklahoma; (2) from Pryor, Okla., to points in Missouri, Iowa, and Illinois; and (3) from Marion, Ill., to points in Indiana, Iowa, and Missouri. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Arkansas, Iowa, Nebraska, Colorado, Wyoming, Indiana, South Dakota, Texas, and Kentucky.

HEARING: January 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harry Ross, Jr.

No. MC 30837 (Sub No. 268), filed November 6, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial and secondary movements, by driveway and truckaway methods, from Montpelier, Ohio, to points in the United States, except points in Hawaii. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 35628 (Sub No. 227), filed October 23, 1959. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, between junction Alternate U.S. Highway 30 and Illinois Highway 88 (at Sterling, Ill.), and Peoria, Ill., over Illinois Highway 88, with no service at junction Alternate U.S. Highway 30 and Illinois Highway 88 or at intermediate points except for the purpose of joinder with presently authorized routes, and serving the off-route point of Princeville, Ill. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, the District of Columbia, Wisconsin, West Virginia, Pennsylvania, Michigan, Missouri, Minnesota, New York, New Jersey, and Ohio.

HEARING: January 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 35890 (Sub No. 13), filed November 3, 1959. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street, SW., Grand Rapids 2, Mich. Applicant's representa-

tive: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Chicago, Ill., and Grand Rapids, Mich., on the one hand, and, on the other, points in North Carolina. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

NOTE: Applicant states it proposes to tack the above with its existing authority.

HEARING: January 18, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

No. MC 52403 (Sub No. 6), filed June 25, 1959. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, 1300 40th Street, Kenosha, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, from Knowles, Eden, High Cliff, and Green Bay, Wis., and points within 5 miles of each, to points in Iowa, Illinois, Missouri, and Minnesota. Applicant is authorized to conduct operations in Illinois and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 52403 Sub 5. Dual operations may be involved. Duplicating authority should be eliminated.

HEARING: January 19, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 61396 (Sub No. 71), filed October 1, 1959. Applicant: HERMAN BROS., INC., 1207 Chicago Street, 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, between the site of the Great Lakes Pipeline Terminal located near Olathe, Kans., and points in Missouri. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

NOTE: Dual operations may be involved.

HEARING: January 14, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 61396 (Sub No. 72), filed October 1, 1959. Applicant: HERMAN BROS., INC., 1207 Chicago Street, 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil and its refined products*, in bulk, in tank vehicles, between points in Harrison County, Mo., and points in Iowa, Kansas, Nebraska, and Missouri. Applicant is authorized to conduct operations in Iowa,

Kansas, Missouri, Nebraska, and South Dakota.

HEARING: January 19, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Raymond V. Sar.

No. MC 64932 (Sub No. 263), filed October 23, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorinated hydrocarbons* (genetrons), in bulk, in tank vehicles, from Danville, Ill., to Syracuse, N.Y. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: January 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

No. MC 77486 (Sub No. 14), filed November 2, 1959. Applicant: MUELLER TRANSIT CO., a corporation, 2523 Wabash Avenue, St. Paul, Minn. Applicant's representative: Robert P. Sack, Traffic Manager, Mueller Transportation Co. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hudson, Wis., and Eau Claire, Wis., from Hudson over Interstate Freeway No. 94 to Eau Claire, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Eau Claire, Wis., and Minneapolis, Minn. Applicant is authorized to conduct operations in Illinois, Indiana, Minnesota and Wisconsin.

NOTE: Applicant states Interstate Freeway No. 94 is presently open from Hudson, Wis., to Menomonie but is scheduled to be completed to Eau Claire, Wis., shortly.

HEARING: January 25, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 89778 (Sub No. 76), filed November 16, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, ammunition* not included within the commodities classified by the Commission as Classes A, B, and C explosives,

component parts of ammunition, and *empty containers*, between points in Duval and Clay Counties, Fla., on the one hand, and, on the other, points in Berkeley and Charleston Counties, S.C. Applicant is authorized, as a *common carrier*, in Certificate No. MC 76177 and subs thereunder and as a *contract carrier* in Permit No. MC 89778 and subs thereunder, to conduct operations throughout the United States except Arizona, California, Nevada, Oregon, and Washington.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 89778 (Sub No. 96) to determine whether applicant's status is that of a common or contract carrier.

HEARING: December 4, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 92983 (Sub No. 366), filed September 3, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Acids and chemicals*, in bulk, from Oklahoma City, Okla., to points in Arkansas, Illinois, Kansas, Louisiana, Missouri, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: January 7, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 92983 (Sub No. 367), filed September 4, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Kentucky, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: January 7, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 99577 (Sub No. 2), filed July 24, 1959. Applicant: HENRY G. FREAR, doing business as SUPERIOR TRANSFER, Superior, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lin-

coln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fairbury, Nebr., and Lincoln, Nebr., from Fairbury over Nebraska Highway 3 to junction U.S. Highway 77, thence over U.S. Highway 77 to Lincoln, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Nebraska.

HEARING: January 27, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 101082 (Sub No. 10), filed September 4, 1959. Applicant: EEL-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, P.O. Box 1037, East St. Louis, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, temperature controlled, from East St. Louis, Ill., to points in Colorado, and *rejected shipments* of the above specified commodity on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Tennessee, Kansas, and Nebraska.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in Docket No. MC 101082 (Sub No. 4).

HEARING: January 11, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harry Ross, Jr.

No. MC 101476 (Sub No. 20), filed September 8, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured fertilizer and fertilizer compounds*, dry, in bulk and in bags or containers, from the plant site of the Kansas Agricultural Chemical Co., Junction City, Kans., to points in Iowa, Nebraska, and South Dakota; (2) *manufactured fertilizer and fertilizer compounds*, dry, in bulk and in bags or containers, from the plant site of Ozark Mahoning Co., Tulsa, Okla., to points in Colorado, Wyoming, and Nebraska; (3) *manufactured fertilizer and fertilizer compounds including urea fertilizer, feed grade urea and technical grade urea*, dry, in bulk and in bags or containers, from the plant site of the Grand River Chemical Division of Deere & Company near Pryor, Okla., to points in Colorado, Iowa, Minnesota, North Dakota, South

Dakota and Wyoming, and *empty containers or other such incidental facilities* used in transporting the above specified commodities on return. Applicant is authorized to conduct operations in Kansas, Iowa, Nebraska, Colorado, Minnesota, North Dakota, South Dakota, Wyoming, Montana, and Oklahoma.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in No. MC 101476 (Sub No. 10).

HEARING: January 25, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 101476 (Sub No. 21), filed September 11, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt compounds*, in bulk, in blocks and in bags or other containers from the plant site of Pawnee Salt Company near Pawnee Rock, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Texas, South Dakota, and Wyoming, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101476 Sub 10.

HEARING: January 22, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 101476 (Sub No. 22), filed September 11, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drilling mud or drilling clay* including *bentonite clay*, in bags or containers from points in Butte County, S. Dak., and points in Crook and Weston Counties, Wyo., to points in Colorado, Iowa, Kansas, Nebraska, Oklahoma and Texas and (2) *drilling compounds* including *treated and untreated lignite*, in bulk, bags or containers, from points in Bowman County, N. Dak., to points in Colorado, Kansas, Nebraska, Oklahoma, South Dakota, Texas, and Wyoming, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101476 (Sub No. 10).

HEARING: January 18, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Raymond V. Sar.

No. MC 106282 (Sub No. 9), filed October 12, 1959. Applicant: SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign-made automobiles*, in secondary movements, by truckaway method, (1) from Kenosha, Wis., to points in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind., points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Todd Counties, Ky., and those in Missouri. (2) From Kenosha, Wis., to Murfreesboro, Tenn., restricted to the transportation of shipments tendered at Murfreesboro to connecting motor carrier for movement beyond that point. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Wisconsin.

NOTE: Applicant states as to (1) above that no duplicating authority is sought and it will surrender similar authority in a slightly smaller destination territory granted in Certificate No. MC 106282 (Sub No. 6).

HEARING: January 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Barroughs.

No. MC 106400 (Sub No. 22), filed September 8, 1959. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in specialized vehicles, (1) between the River Terminal of the Standard Oil Company (Indiana) located at or near Jefferson City, in Cole County, Mo., on the one hand, and, on the other, points in Missouri and Iowa. (2) Between the Pipe Line Terminal of the Standard Oil Company (Indiana) located at or near Trenton, in Grundy County, Mo., on the one hand, and, on the other, points in Missouri and Iowa. (3) Between the Great Lakes Pipe Line Terminal at or near Bethany, in Harrison County, Mo., on the one hand, and, on the other, points in Missouri, Kansas, Iowa, and Nebraska. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

NOTE: Common control and section 210, dual operations, may be involved.

HEARING: January 8, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 106603 (Sub No. 54) (REPUBLICATION), filed May 1, 1959, published FEDERAL REGISTER issue of May 20, 1959. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain SW., Grand Rapids, Mich. Applicant's attorney: Arthur P. Boynton, 2350 Penobscot Building, Detroit 26, Mich. By application filed May 1, 1959, as amended, applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (except liquid fertilizer and liquid fertilizer materials, in bulk, in tank vehicles), from the plant site of the Michiana Chemical Company located in Howard Township, Cass County, Mich., to points in Indiana on and north of U.S. Highway 24, and those in Illinois on and north of U.S. Highway 24 and on and east of U.S. Highway 51. In its original form, the application sought authority, territorially, from points in Berrien County, Mich. At the hearing, held June 30, 1959, it was developed that the supporting shipper's plant was located not in Berrien County (as previously published), but in Cass County, and applicant was allowed to amend the application. A Report of the Commission, Division 1, decided November 5, 1959, recommended that applicant be granted authority to transport *dry fertilizer and dry fertilizer materials*, in bulk and in bags, from the plant site of the Michiana Chemical Company located near Niles City, Mich. (Cass County), to points in Indiana on and north of U.S. Highway 24, and those in Illinois on and north of U.S. Highway 24 and on and east of U.S. Highway 51, subject to the republication in the FEDERAL REGISTER of the amended application so that other parties who have relied upon the notice of the application as originally published in the FEDERAL REGISTER may have an interest in, and would be prejudiced by the lack of proper notice of the authority actually granted herein, and shall withhold issuance of a certificate for a period of 30 days from the date of such republication during which period any interested proper party may file an appropriate protest or other pleading.

No. MC 106553 (Sub No. 4), filed September 21, 1959. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements by truckaway and driveaway, from the site of General Motors Plant in Wyandotte County, Kans., to points in Arizona, Nevada, Idaho, Oregon, Washington, and California; in secondary movements by truckaway and driveaway, (1) between points in Colorado, Arizona, and California; (2) between points in Utah, Arizona, Nevada, Idaho, Oregon, California, and Washington; (3) between points in Montana, Idaho, Washington, Oregon, and Wyoming. Applicant is authorized to conduct operations in Kansas, Arkansas,

Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, Wyoming, North Dakota, Wisconsin, and Indiana.

NOTE: Applicant states that the proposed operations will be conducted under a continuing contract with the Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich.

HEARING: January 19, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harry Ross, Jr.

No. MC 107107 (Sub No. 125), filed September 8, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, motor vehicle over irregular routes, transporting: (1) *Meats, meat products and meat by-products*, and (2) *articles distributed by meat packing houses*, as defined by the Commission, from Saint Joseph, Mo., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 19, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harry Ross, Jr.

No. MC 107107 (Sub No. 131), filed September 14, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing houses*, from Fort Atkinson, Wis. to points in North Carolina, South Carolina, Georgia, and Alabama. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 20, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 107496 (Sub No. 148), filed October 12, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines 4, Iowa. Applicant's attorney: H. L. Fabritz, 408 South-

east 30th Street, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Harrison County, Mo., to points in Iowa, Kansas, Missouri, and Nebraska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: January 19, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Raymond V. Sar.

No. MC 109385 (Sub No. 28), filed September 11, 1959. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: *Glass*, from Kingsport, Tenn., and points in Pennsylvania and West Virginia to points in Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

HEARING: January 20, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 110064 (Sub No. 3), filed August 28, 1959. Applicant: A. W. STURGEON AND HARRY MEEKER, doing business as STURGEON & MEEKER, P.O. Box 3184, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: (1) *Wheat bran, wheat mixed feed, wheat standard middlings, wheat gray short, feed ingredients and flour*, in bags and in bulk, from points in McPherson, Reno, Kingman, Harper, Sumner, Cawley, Sedgwick, Butler, Harvey, Marion, Chase, Greenwood, Chautauqua, and Rice Counties, Kans., to points in Arkansas, California, Arizona, New Mexico, Texas, Louisiana, Oklahoma, Mississippi, Georgia, Florida, and Tennessee; (2) *cotton seed products, feed ingredients and dry fertilizer*, in bags and in bulk, from points in Texas to points in Kansas and Oklahoma; (3) *cotton seed products, soybean products, feed ingredients and dry fertilizer*, in bags and in bulk, (a) from points in Arkansas to points in Oklahoma, Kansas, Arizona, and California; (b) from points in Oklahoma to points in Kansas; (c) from points in Kansas to points in Oklahoma, Arizona, Arkansas, Texas, California, Florida, Mississippi, Georgia, and New Mexico. Applicant is authorized to conduct operations in Missouri, Ne-

braska, Kansas, Colorado, Texas, and Oklahoma.

HEARING: January 26, 1960, at the Hotel Lassen, Wichita, Kans., before Examiner Harry Ross, Jr.

No. MC 110420 (Sub No. 242), filed October 14, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Kansas, Nebraska and Iowa. (2) *Gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., to New Orleans, La. (3) *Latex emulsion*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Minnesota, Indiana, Michigan, Pennsylvania, Ohio, Iowa, and Wisconsin. (4) *Liquid adhesives*, in bulk, in tank vehicles, from Chicago, Ill., to Denver, Colo. (5) *Core oil*, in bulk, in tank vehicles, from Mishawaka, Ind., to Bemidji, Minn., and Milwaukee, Wis. (6) *Caramel coloring*, in bulk, in tank vehicles, from Keokuk, Iowa, to points in New Jersey, Tennessee, Pennsylvania, New York, and Maryland. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: January 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

No. MC 111812 (Sub No. 90), filed October 19, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh poultry*, and *frozen foods*, from Quincy, Ill., to points in Oregon and Washington; and *meats, packinghouse products*, and *commodities* used by packing houses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Chicago, Ill., to points in Washington, Idaho, Montana, and Oregon. Applicant is authorized to conduct operations in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, North Dakota, Montana, Idaho, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia, and the District of Columbia.

HEARING: January 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

No. MC 112020 (Sub No. 82), filed October 15, 1959. Applicant: **COMMERCIAL OIL TRANSPORT**, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from points in Lancaster, Madison, Stanton, and Wayne Counties, Nebr., to points in Kansas, Iowa, Missouri, Illinois, Arkansas, Louisiana, Oklahoma, and Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 20, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Raymond V. Sar.

No. MC 113325 (Sub No. 6), filed October 7, 1959. Applicant: **SLAY TRANSPORTATION CO., INC.**, 718 South Seventh Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in specialized vehicles and shipper's specialized vehicles, from points in Ste. Genevieve and St. Francois Counties, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Ohio, Oklahoma, Tennessee, and Wisconsin, and *empty shipper owned vehicles* on return. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: January 11, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harry Ross, Jr.

No. MC 113382 (Sub No. 8), filed April 6, 1959. Applicant: **HOWARD J. NELSEN AND JAMES MELVIN NELSEN**, doing business as **NELSEN BROTHERS**, 1215 Sixth Corso, Nebraska City, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Canned goods and table sauces*, from Nebraska City, Nebr., to points in Wisconsin, North Dakota, Texas, and Louisiana. Applicant states on return trips it is proposed to transport exempt commodities. Applicant is authorized to conduct regular route operations in Iowa and Nebraska, and irregular route operations in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 113382 (Sub No. 6).

HEARING: January 21, 1960, at the Nebraska State Railway Commission,

Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 115242 (Sub No. 2), filed July 24, 1959. Applicant: **DONALD MOORE**, 127 Mondell Court, Prairie du Chien, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber* on flat-bed equipment, (1) from Prairie du Chien and Muscoda, Wis., to points in Iowa and Omaha, Nebr., (2) from Onalaska, Wis., and points in that part of Wisconsin south of Wisconsin Highway 33 commencing at La Crosse and running to its junction with Wisconsin Highway 78, and thence on and west of Wisconsin Highway 78 running from said junction to the Illinois State line to points in the Chicago, Ill., Commercial Zone, and those in Illinois on and north of U.S. Highway 50, Jasper and Goshen, Ind., points in Iowa, points in the Minneapolis-St. Paul, Minn., Commercial Zone, and those in Anoka, Carver, Chicago, Dakota, Goodhue, Hennepin, Isant, McLeod, Ramsey, Scott, Sherburne, and Wright Counties, Minn., and Omaha, Nebr., and *rejected shipments* of rough lumber on return. Applicant is authorized to conduct operations in Iowa, Illinois, and Wisconsin.

HEARING: January 19, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 115754 (Sub No. 2), filed October 8, 1959. Applicant: **WILLIAM L. PRICKETT**, Plainville, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds, animal and poultry feeds*, in bulk and in packages and containers, from St. Joseph and Kansas City, Mo., to points in Kansas bounded on the East by Kansas Highway 281, on the North by U.S. Highway 36, on the West by U.S. Highway 83, and on the South by Kansas Highway 4. Applicant is authorized to conduct operations in Minnesota, Missouri, Nebraska, and Kansas.

HEARING: January 13, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 116317 (Sub No. 7), filed July 6, 1959. Applicant: **F. L. FEASTER**, doing business as **FEASTER TRUCKING SERVICE, INC.**, Claffin, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burned clay products*, (1) from Redfield and Centerville, Iowa, to points in Kansas, Nebraska, Missouri, and Oklahoma; (2) from Concordia, Kans., to points in Iowa and Nebraska, and *empty containers or other such incidental facilities* used in transporting burned clay products on return. Applicant is authorized to conduct operations in Kansas, Nebraska, Oklahoma, and Texas.

HEARING: January 15, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner Raymond V. Sar.

No. MC 116544 (Sub No. 4), filed September 9, 1959. Applicant: **WILSON BROTHERS TRUCK LINE, INC.**, 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and agricultural commodities*, from Mobile, Ala., and New Orleans, La., to points in Wyoming, South Dakota, Nebraska, Iowa, Kansas, and Missouri, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Florida, Kansas, Missouri, and Oklahoma.

NOTE: Applicant states that the above commodity description describes "coconuts" and "agricultural" commodities, the only purpose is to secure authority for the transportation of bananas and the exempt commodities included above on the same vehicle at the same time. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 111290 Sub 15. Dual operations may be involved.

HEARING: January 18, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harry Ross, Jr.

No. MC 116879 (Sub No. 1), filed September 21, 1959. Applicant: **RICHARD T. BESTWICK**, 716 South 12th Street, Sabetha, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged ice cream*, from Omaha, Nebr., to points in Kansas, Iowa, and Missouri. Applicant is authorized to conduct operations in Kansas, Nebraska, and Missouri.

NOTE: Applicant states that the above requested authority will be performed under contract to Sealtest Foods, Central Division, Omaha, Nebr.

HEARING: January 15, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner Raymond V. Sar.

No. MC 116945 (Sub No. 1), filed October 22, 1959. Applicant: **RICHARD P. DORIA**, doing business as **R & L CARTAGE**, 116 West Greenfield, Lombard, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Brick*, from Munster, Ind., to points in Michigan, Wisconsin, and points in Illinois, except points in Cook, Du Page, Lake, and Will Counties, Ill. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: January 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

No. MC 116987 (Sub No. 9), filed October 12, 1959. Applicant: **ROBERT H. CARR AND SONS, INC.**, R.D. No. 2, Malvern, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Caramel coloring*, in bulk, in tank vehicles, from Granite City, Ill., and Keokuk, Iowa, to points in New York, Pennsylvania, Connecticut, Massachusetts, and New Jersey, and *exempt commodities* on return. Applicant is authorized to conduct operations in New York, Michigan, Ohio, New Jersey, Illinois, Indiana, Virginia, West Virginia, and Pennsylvania.

HEARING: January 12, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harry Ross, Jr.

No. MC 117025 (Sub No. 2), filed August 31, 1959. Applicant: LeROY HILT, 3751 Sumner, Lincoln, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and *empty malt beverages containers*, from Minneapolis and St. Paul, Minn., Milwaukee, Wis., Chicago and Peoria, Ill., and St. Louis and Kansas City, Mo. to all points in Nebraska and to Cheyenne and Casper, Wyo.; (2) *alfalfa meal* and *alfalfa pellets*, and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application, from all points in Nebraska, Cheyenne and Casper, Wyo., to Minneapolis and St. Paul, Minn., Milwaukee, Wis., Chicago and Peoria, Ill., and St. Louis, and Kansas City, Mo.

HEARING: January 26, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 117025 (Sub No. 3), filed August 31, 1959. Applicant: LeROY HILT, 3751 Sumner, Lincoln, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Alfalfa meal* and *alfalfa pellets*, in bags and in bulk, from points in Nebraska to points in Wisconsin, Iowa, Illinois, Minnesota, Indiana, Missouri, North Dakota, and South Dakota, and *beer* and *malt beverages* on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Nebraska, and Missouri.

HEARING: January 27, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 117708 (Sub No. 1), filed October 19, 1959. Applicant: CLARENCE STARK, Mount Hope, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and in bulk and bags in mixed shipments, from Charles City, Iowa City, Iowa Falls, Cedar Rapids, and Dubuque, Iowa, and East Dubuque, Ill., to points in Vernon, Crawford, Richland, Sauk, Iowa, Grant, Dane, Lafayette, Green, Columbia, and Rock Counties, Wis. Applicant is authorized to transport animal and poultry feed from Minneapolis, Minn., to points in the above-described Wisconsin counties.

HEARING: January 25, 1960; in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 118142 (Sub No. 3), filed September 3, 1959. Applicant: M. BRUENGER & CO., INC., 123 South Rock Island, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat bran*, *wheat mixed feed*, *wheat standard middlings*, *wheat gray short*, *feed ingredients*, and *flour*, in bags and in bulk, from points in McPherson, Reno, Kingman, Harper, Sumner, Cowley, Sedgwick, Butler, Harvey, Marion, Chase, Greenwood, Chautauqua, and Rice Counties, Kans., to points in California, Arizona, and Texas, and *exempt commodities* on return movements.

HEARING: January 26, 1960, at the Hotel Lassen, Wichita, Kans., before Examiner Harry Ross, Jr.

No. MC 118535 (Sub No. 2), filed September 8, 1959. Applicant: HOMER J. HENKE, doing business as HENKE TRUCK LINE, 17th and Barada, Falls City, Nebr. Applicant's representative: C. A. Ross, 1004-5, Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer* and *fertilizer compounds*, including *urea fertilizer*, *feed grade urea* and *technical grade urea*, dry, in bulk, and in bags or containers, from the plant site of the Grand River Chemical Division of Deere & Company, near Pryor, Okla., to points in Colorado, Iowa, Minnesota, Missouri, and South Dakota, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *exempt commodities*, on return. Applicant is authorized to transport similar commodities from Pryor, Okla., to points in Kansas and Nebraska, in bulk and in bags.

HEARING: January 25, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 118964, filed June 1, 1959. Applicant: FRED WELLS, doing business as WELLS TRANSPORTATION, Box 125, O'Neill, Nebr. Applicant's attorney: J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial fertilizer*, in bulk and in bags, from Garfield, Utah, and Pocatello, Idaho, and points within ten (10) miles of each, to points in Nebraska, and *exempt commodities* on return.

HEARING: January 21, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Raymond V. Sar.

No. MC 119069 (Sub No. 1), filed July 17, 1959. Applicant: A. B. MACOY, doing business as MACOY TRUCK LINE, 3 Ensign Drive, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal malt beverages* and *advertising matter*, from Mil-

waukee, Wis., and Chicago and Belleville, Ill., points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, and South Bend, Ind., to points in Kansas, and *empty containers* and *pallets* on return.

HEARING: January 25, 1960, at the Hotel Lassen, Wichita, Kans., before Examiner Harry Ross, Jr.

No. MC 119136, filed August 10, 1959. Applicant: RUAN TRANSPORT CORPORATION OF KANSAS, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Ruan Transport Corporation of Kansas, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, palletized and unpalletized, from the plant site of Universal Atlas Cement, Division of United States Steel Corporation, in or near Independence, Montgomery County, Kans., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and *empty pallets*, and *rejected or returned shipments* of the above-described commodity, on return.

NOTE: Applicant states the proposed operation will be for compensation under a continuing contract with Universal Atlas Cement (Division of U.S. Steel Corporation), 100 Park Avenue, New York 17, N.Y. Dual operations or common control may be involved.

HEARING: January 4, 1960, at the New Pickwick Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 119144, filed August 12, 1959. Applicant: RUAN TRANSPORT CORPORATION OF FREDONIA, an Iowa corporation, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, 17, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags and in packages, palletized and unpalletized, from the plant site of General Portland Cement Company in or near Fredonia, Kans., to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma, and *rejected and returned shipments* of cement and *empty pallets* on return.

NOTE: Applicant states that the above transportation will be performed under a continuing contract with General Portland Cement Company, Chicago, Ill.

NOTE: Dual operations or common control may be involved.

HEARING: January 4, 1960, at the New Pickwick Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 119150 (Sub No. 2), filed August 28, 1959. Applicant: RUAN TRANSPORT CORPORATION OF MISSOURI, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags and in packages, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, and *rejected and returned shipments* of cement on return.

NOTE: Dual operations or common control may be involved. The above transportation will be performed under a continuing contract with Missouri Portland Cement Company, St. Louis, Mo.

HEARING: January 4, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 119162, filed August 17, 1959. Applicant: RUAN TRANSPORT CORPORATION OF CHANUTE, an Iowa corporation, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Cement*, in bulk, in bags and in packages, from the plant site of the Ash Grove Lime and Portland Cement Company in or near Chanutte, Kans., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, and *rejected and returned shipments* of cement on return.

NOTE: Applicant states that the above transportation will be performed under a continuing contract with the above named company of Kansas City, Mo.

NOTE: Dual operations or common control may be involved.

HEARING: January 4, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 119248, filed October 7, 1959. Applicant: CLAYTON H. TEN PAS, doing business as C. H. TEN PAS TRANSPORT, 434 Fremont Street, Plymouth, Wis. Applicant's attorney: Mooney & Mooney, 402 East Mill Street, Plymouth, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Manufactured paper products, cardboard containers and tubes, and containers with metal bottoms*, from Plymouth, Sheboygan County, Wis., to points in Illinois, Indiana, Iowa, Minnesota, and Ohio, and *cardboard, paper, in rolls, sheet metal, and used cartons* on return movements.

HEARING: January 21, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

MOTOR CARRIERS OF PASSENGERS

No. MC 97549 (Sub No. 5), filed September 8, 1959. Applicant: JOHN G. RUTZ, doing business as STAR BUS LINE, 1422 Broadway Avenue, Scottsbluff, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, between Scottsbluff, Nebr., and Kimball, Nebr., over Nebraska Highway 29, serving the intermediate point of Gering. Applicant is authorized to conduct operations in Nebraska and Wyoming.

HEARING: January 27, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 110306 (Sub No. 2), (CLARIFICATION), filed March 27, 1959, published FEDERAL REGISTER issue of August

19, 1959, and republished issue of November 4, 1959. Applicant: BLUE BUS LINES, a corporation, 50 North Johnson Avenue, Trenton, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Stockton, N.J., and Philadelphia, Pa., from Stockton over New Jersey Highway 29 to junction U.S. Highway 202 Lambertville, thence over U.S. Highway 202 through New Hope, Pa., to junction of Pennsylvania Highway 263 at Buckingham, thence over Pennsylvania Highway 263 through Furlong, Jameson and Hathoro to junction U.S. Highway 611, at Willow Grove, thence over U.S. Highway 611 through Jenkintown to Philadelphia, Pa., and return over the same route, serving all intermediate points, except service is restricted to traffic originating at, or destined to, points in New Jersey between Washington Crossing and Stockton, N.J., on Blue Bus Lines' existing route between Trenton, N.J., and New Hope, Pa. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: Remains as assigned November 30, 1959, at Lambertville House, Lambertville, N.J., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1589), filed November 12, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities, including Classes A and B explosives*, but excluding commodities in bulk, moving in express service, (1) between Elba, Ala., and Abbeville, Ala., from Elba over U.S. Highway 84 through New Brockton, Ala., to Enterprise, Ala., thence over Alabama Highway 134 through Daleville, Ala., to junction U.S. Highway 231, thence over U.S. Highway 231 to Dothan, Ala., thence north over U.S. Highway 431 through Headland, Ala., to Abbeville, and return over the same route, serving the intermediate points of New Brockton, Enterprise, Daleville, Dothan and Headland, Ala. (2) Between Headland, Ala., and junction Alabama Highway 136 and U.S. Highway 231 at Midland City, Ala., over Alabama Highway 136, serving all intermediate points. Applicant indicates the following Restrictions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or rail express service of applicant. 2. Shipments transported by applicant shall be limited to those moving on a through bill

of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. 3. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, air or rail express service of applicant. Applicant is authorized to conduct operations throughout the United States.

No. MC 69635 (Sub No. 3) filed November 12, 1959. Applicant: SNOHOMISH AUTO FREIGHT CO., INC., 113 Avenue D, Snohomish, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving as off-route points those points in Snohomish County, Wash., within 15 miles of Washington Highway 15 (U.S. Highway 2) between Snohomish, Wash., and a ski lodge located at the summit of Stevens Pass, 12 miles east of Scenic, Wash., in connection with applicant's authorized regular route operations between Seattle and Skykomish, Wash., between Everett and Snohomish, Wash., and between Skykomish, Wash., and the above-specified ski lodge. Applicant is authorized to conduct operations in Washington.

No. MC 96803 (Sub No. 2) filed November 12, 1959. Applicant: PRICHARD TRANSFER, INC., P.O. Box 690, Price, Utah. Applicant's attorney: Fred L. Finlinson, Kearns Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Soda ash*, in bulk on traffic originating outside Utah, from railheads at Thompson and Brendel, Utah; to Uranium Reduction Mill of the Uranium Reduction Co., located approximately three (3) miles north of Moab, Utah, and *empty containers or other such incidental facilities* used in transporting soda ash, on return. Applicant is authorized to conduct operations under the Second Proviso of section 206(a) (1) in the State of Utah, in No. MC 96803.

NOTE: Applicant indicates the proposed operations will be conducted over U.S. Highways 6, 50 and 160.

No. MC 109637 (Sub No. 139), filed November 12, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Flavoring syrups* (liquid flavoring compounds), in bulk, in tank vehicles, from Cincinnati, Ohio, to Peekskill, N.Y. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina,

Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 111671 (Sub No. 6), filed October 29, 1959. Applicant: K-C REFRIGERATION TRANSPORT COMPANY, INC., 96 Garner Street, P.O. Box 46, Cohoes, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and dairy products*, as listed in Sections A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Cohoes, N.Y., to Rutland, Swanton, St. Albans and Burlington, Vt., and points in Schenectady and Schoharie Counties, N.Y., with authority to interchange traffic at Cohoes, and return shipments of the above-described commodities on return. Applicant is authorized to conduct operations in New York, Connecticut, and Massachusetts.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 111671 (Sub No. 4).

No. MC 116938 (Sub No. 3), filed November 16, 1959. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Uncracked brick*, (1) from Birmingham, Ala., and points within ten miles thereof, to Chattanooga, Tenn.; and (2) from Chattanooga, Tenn., to (a) points in Tennessee on and east of a line beginning at the Alabama-Tennessee State line at Tennessee Highway 13, and extending along said highway, through Collingwood, Waynesboro, Linden, Waverly, Cunningham, Clarksville, and Sadlersville, Tenn., to the Tennessee-Kentucky State line; (b) points in Alabama on and north of a line beginning at the Alabama-Georgia State line at U.S. Highway 80, and extending along said highway, through Phenix City, Marvyn, Tuskegee, and Mt. Meigs, Ala., to Montgomery, Ala., thence along U.S. Highway 82, through Prattville, Lawley, Centerville, Duncanville, Tuscaloosa, Reform, and Stafford Ala., to the Alabama-Mississippi State line; (c) points in Georgia on and north of a line beginning at the Alabama-Georgia State line at U.S. Highway 80, and extending along said highway, through Columbus and Upton, Ga., to Geneva, Ga., thence along Georgia Highway 96, through Butler, to Reynolds, thence along Georgia Highway 128 to Roberta, thence along U.S. Highway 80, through Knoxville and Lizella to junction Georgia Highway 57, near Macon, Ga., thence along Georgia Highway 57, through Irwinton, Wrightsville and Kite, Ga., to Swainsboro, thence along Georgia Highway 56, through Summertown, to junction Georgia Highway 17 at or near Midville, thence along Georgia Highway 17 to Millen, thence along Georgia Highway 21 to Sylvania, and thence along U.S. Highway 301 to the Georgia-South Carolina State line; and (d) points in North Carolina on and west of a line beginning at the South Carolina-North Carolina

State line at U.S. Highway 221, and extending along said highway, through Rutherfordtown, Thermal City, Marion and Ashford, N.C.; to junction North Carolina Highway 194 near Linville Falls, thence along North Carolina Highway 194 to Ingalls, and thence along U.S. Highway 19E, through Minneapolis and Elk Park, N.C., to the North Carolina-Tennessee State line.

NOTE: Applicant indicates the proposed operation will be under contract with Key-James Brick Company, Chattanooga, Tenn. Applicant states the above-described territory is beyond a radius of 65 miles of Chattanooga; that he does not seek authority under (2) above to transport from Chattanooga to points in the named States which are within 65 miles of Chattanooga.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 271), filed November 12, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, seasonal during the racing seasons, beginning and ending at Bloomfield, N.J., and extending to Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., Pimlico Race Track, Baltimore, Md., and Delaware Park Race Track, Stanton, Del. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states it desires to operate the proposed service to these tracks in connection with its authorized operations in Certificate No. MC 3647 Sub No. 235.

No. MC 3647 (Sub No. 272), filed November 17, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip, special operations, seasonal during the racing seasons, beginning and ending at 69th Street Terminal, West Chester Turnpike, Upper Darby, Pa., and extending to (1) Brandywine Raceway, Brandywine Hundred, New Castle County, Del., (2) Delaware Park Race Track, Stanton, Del., (3) Pimlico Race Track, Baltimore, Md., (4) Laurel Race Track, Laurel, Md., (5) Bowie Race Track, Bowie, Md., and (6) Charles Town Race Tracks, Charles Town, W. Va., serving no intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Virginia, Pennsylvania, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sec-

tions 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7360 (correction), published in the November 11, 1959, issue of the FEDERAL REGISTER on page 9229. The address of EUGENE PIKOVSKY should have been shown as 2600 University Avenue SE., Minneapolis, Minn. The application is for control by EUGENE PIKOVSKY of the operating rights and property of FREIGHT TRANSIT COMPANY through stock ownership, and concurrent purchase by him of such rights and property.

No. MC-F 7362 (correction) (ONEIDA MOTOR FREIGHT, INC.—CONTROL AND MERGER—MONARCH MOTOR FREIGHT LINES, INC.), published in the November 18, 1959, issue of the FEDERAL REGISTER on page 9324. The address of MONARCH MOTOR FREIGHT LINES, INC., should have been shown as 225 Parkhurst Street, Newark, N.J.

No. MC-F 7366. Authority sought for purchase by C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, 38th and Quit Avenue, P.O. Box 1625, Lubbock, Tex., of a portion of the operating rights of L. S. JACKSON, doing business as HUB MOTOR LINES, 600 North Roberts, P.O. Box 968, Amarillo, Tex. Applicants' attorney: Joe T. Lanham, 1009 Perry-Brooks Building, Austin, Tex. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Amarillo, Tex., and junction U.S. Highway 87 and unnumbered highway 5 miles south of Canyon, Tex., between junction Texas Highway 86 and unnumbered highway one mile south of Nazareth, and Earth, Tex., between junction U.S. Highway 87 and unnumbered highway 5 miles south of Canyon, Tex., and junction Texas Highway 86 and unnumbered highway one mile south of Nazareth, Tex., between Earth, Tex., and Muleshoe, Tex., between Springlake, Tex., and Littlefield, Tex., and between Levelland, Tex., and Littlefield, Tex., serving certain intermediate points; alternate route for operating convenience only between Tulia, Tex., and Olton, Tex. RESTRICTION: The authority authorized in the first two routes above is subject to the condition that there shall be no interchange of traffic moving between Amarillo and Lubbock, Tex. Vendee is authorized to operate as a *common carrier* in Texas and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7367. Authority sought for purchase by COOPER-JARRETT, INC., 2113 West 73d Street, Chicago 36, Ill., of a portion of the operating rights of ADOLPH H. NIELSEN, SARA NIELSEN, AND ADOLPH J. NIELSEN, doing business as NIELSEN BROS. CARTAGE COMPANY, 4619 West Armitage, Chicago 39, Ill., and for acquisition by GUY D. COOPER, 2113 West 73d Street, Chicago, Ill., and R. D. COOPER, JR., 100 Water Street, Jersey City, N.J., of control

of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Illinois within 45 miles of Chicago. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, New York, New Jersey, Connecticut, Ohio, Pennsylvania, Rhode Island, Nebraska, Massachusetts, Iowa, Maryland, Indiana, and Delaware. Application has not been filed for temporary authority under section 210a(b). No. MC-F 7368. Authority sought for merger into SOUTHERN CALIFORNIA FREIGHT LINES, LTD., 1650 Industrial Road, San Carlos, Calif., of the operating rights and property of SOUTHERN CALIFORNIA FREIGHT LINES, 1650 Industrial Road, San Carlos, Calif., and for acquisition by CARROLL J. ROUSH, also of San Carlos, of control of such rights and property through the transaction. Applicants' attorneys: John R. Turney and James F. Neal, both of 2001 Massachusetts Avenue NW, Washington, D.C. Operating rights sought to be merged: *General commodities*, except those of unusual value, household goods as defined by the Commission, petroleum products in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes including routes between Los Angeles Harbor, Calif., and the boundary of the United States and Mexico, between Escondido, Calif., and Riverside, Calif., between Oceanside, Calif., and Vista, Calif., between San Diego, Calif., and the California-Arizona State line, between Potrero, Calif., and the boundary of the United States and Mexico, between Los Angeles, Calif., and Oasis, Calif., between San Bernardino, Calif., and Idyllwild, Calif., between Olinda, Calif., and La Habra, Calif., between Los Angeles, Calif., and Yorba Linda, Calif., between Los Angeles, Calif., and Olive, Calif., between Los Angeles, Calif., and El Toro, Calif., between Orange, Calif., and El Modena, Calif., and between Santa Ana, Calif., and Santa Monica, Calif., serving certain intermediate and off-route points; *general commodities* (moving on Government bills of lading), excepting, among others, household goods and commodities in bulk, from Los Angeles, Calif., to Port Chicago, Calif., and from Port Hueneme, Calif., to Nebo and West Yermo, Calif., serving certain intermediate and off-route points; *general commodities*, except those of unusual value and household goods as defined by the Commission, over an alternate regular route for operating convenience only between Los Angeles, Calif., and El Centro, Calif., serving no intermediate points; *class A, B, and C explosives*, moving on Government bills of lading, over irregular routes, from Fallbrook, Calif., to Port Chicago, Calif., restricted to traffic moving to or from

the territories or possessions of the United States; operations under the Second Proviso of Section 206(a)(1) of the Interstate Commerce Act covering the transportation of *property* in the State of California as more specifically described in Dockets Nos. MC 71459 Sub 10, MC 71459 Sub 11 and MC 71459 Sub 12. SOUTHERN CALIFORNIA FREIGHT LINES, LTD., holds no authority from this Commission. However, its controlling stockholder, CARROLL J. ROUSH, is affiliated with OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC., which is authorized to operate as a *common carrier* in Oregon, California, Nevada, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7370. Authority sought for purchase by W. A. LARMORE, INC., 200 Maryland Avenue, Wilmington 4, Del., of the operating rights and property of WILLIAM A. LARMORE (E. MAE LARMORE, EXECUTRIX), 200 Maryland Avenue, Wilmington 4, Del., and for acquisition by E. MAE LARMORE, WILLIAM A. LARMORE, JR., and JEAN M. LARMORE, all of Wilmington, of control of such rights and property through the purchase. Applicants' representative: William A. Larmore, Jr., Vice-President, W. A. Larmore, Inc., 200 Maryland Avenue, Wilmington 4, Del. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Pennsylvania, Maryland, and New Jersey within 30 miles of Wilmington, Del., and those in Kent and New Castle Counties, Del., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maryland, Virginia, North Carolina, Georgia, Florida, Mississippi, and the District of Columbia. Vendee holds no authority from this Commission. However, it is affiliated with UNITED VAN LINES, INC., which is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9960; Filed, Nov. 24, 1959;
8:47 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and

business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; and 24 F.R. 4187) during the six months' period ended November 10, 1959.

Nothing to report.

Dated: November 10, 1959.

[SEAL] EUGENE S. ROOT.

[F.R. Doc. 59-9961; Filed, Nov. 24, 1959;
8:47 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187) during the six months' period ended November 14, 1959.

None.

Dated: November 14, 1959.

[SEAL] KEITH H. LYRLA.

[F.R. Doc. 59-9962; Filed, Nov. 24, 1959;
8:48 a.m.]

[Notice 105]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 20, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-108185 (Deviation No. 2),
DIXIE HIGHWAY EXPRESS, INC.,

P.O. Box 631, Meridian, Miss., filed May 12, 1958. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Tuscaloosa, Ala., and Columbia, Tenn., as follows: from Tuscaloosa over U.S. Highway 43 to Columbia and return over

the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tuscaloosa, Ala., and Columbia, Tenn., over the following pertinent route: from Tuscaloosa over U.S. Highway 11 to

Birmingham, Ala., and thence over U.S. Highway 31 to Columbia.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-9959; Filed, Nov. 24, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.

3 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
<i>Proclamations:</i>		952	9047	541	9233
2112	9389	953	8934, 9080, 9261, 9385	544	8971
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3325	9185	955	9305	555	9415
<i>Executive orders:</i>		956	9047	561	9050
Apr. 3, 1847	9389	958	9048	570	9417
Dec. 9, 1852	9389	959	9362	<i>Proposed rules:</i>	
July 9, 1875	9219	963	9047	545	9402
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10355	9219	969	9123, 9262, 9385	121	9329
10787	9488	971-972	9047	<i>Proposed rules:</i>	
5 CFR		974-978	9047	121	9347
6	9124	980	9047	14 CFR	
9185, 9187, 9303, 9327, 9359	9383	982	9047	20	9362
24	9076	984	9262	42	9365
325	9255	985-988	9047	43	9418
601	8921	991	9047	60	8928
6 CFR		994-995	9047	399	8996
331	9257, 9362, 9465	997	9123	401	8996
341	9413	998	9047	507	8928, 8971, 9076, 9386, 9419
361	9071	1000	9047	514	9262
364	9327	1002	9047	600	8929, 9188-9190, 9305, 9306, 9330, 9365, 9366, 9419, 9465, 9467
366	9071, 9074	1004	9047	601	8929, 9189-9191, 9305, 9306, 9330, 9366, 9367, 9419, 9467
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443	9039	1008-1009	9047	608	8929, 9387, 9419, 9420
446	9329	1011-1014	9047	609	8930, 9051, 9076, 9282
464	9119, 9257	1015	9049	610	9331
474	9329	1016	9047	820	8928
483	8993	1018	9047	<i>Proposed rules:</i>	
484	8995	1023	9047	1-199	9311
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502	9187	<i>Proposed rules:</i>		302	8975
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354	9329	914	8935	361	9205
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